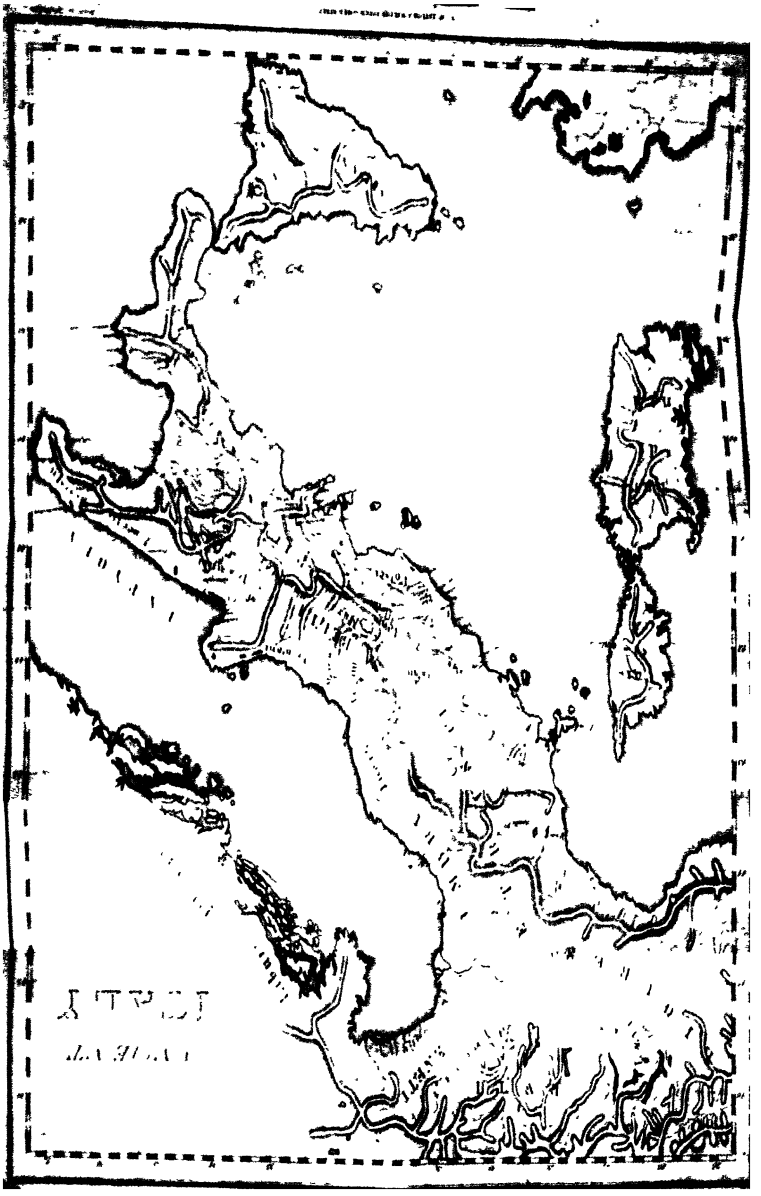


THE HISTORY OF ROME

BY

B. G. NIEBUHR

TRANSLATED

BY

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AND

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Ceterum, si, omisso optimo illo et perfectissimo genere eloquentiae, eligenda sit forma dicendi, malim, hercule, C. Gracchi impetum aut L. Crassi maturitatem, quam calamistros Maecenatis aut tinnitus Gallionis.

TACITUS, *Dial. de Oratoribus.*

TO HIS MAJESTY

FREDERIC WILLIAM THE THIRD,

KING OF PRUSSIA,

THIS WORK

IS MOST RESPECTFULLY DEDICATED.

A HISTORY of Rome, set forth with truth and vividness, in broad and clear outlines, free from the incumbrance of multifarious details, might be esteemed no less worthy to engage the attention of a prince, than profound and comprehensive descriptions of the most important epochs of modern times. Not so, critical investigations into the dark periods of remote antiquity; not so, a work which, while it approaches close to particular objects that it may examine them, is seldom able to take its stand where rich and wide prospects expand before the eye.

But gratitude inspires courage; and in this feeling I ventured to solicit Your Majesty's gracious permission for the dedication of this work.

Your Majesty's favour has afforded me the happiest leisure: it enabled me to become familiar with Rome: and the two Universities, —that of Berlin, the opening of which led to my undertaking this work, and that of Bonn, to which it is my pride to belong as a free associate,—are Your Majesty's noble creations.

Thus this history owes its existence to the Gracious King, to whom I devote it, with feelings loyal as those of a native subject, and with a lively recollection of every favour with which Your Majesty has distinguisht me.

PREFACE.

THE History of Rome was treated, during the first two centuries after the revival of letters, with the same prostration of the understanding and judgement to the written letter that had been handed down, and with the same fearfulness of going beyond it, which prevailed in all the other branches of knowledge. If any one had pretended to examine into the credibility of the ancient writers, and the value of their testimony, an outcry would have been raised against such atrocious presumption. The object aimed at was, in spite of everything like internal evidence, to combine what they related. At the utmost one authority was made in some one particular instance to give way to another; and this was done as mildly as possible, and without leading to any further results. Here and there indeed a man of independent mind, like Glareanus, broke through this fence: but inevitably a sentence of condemnation was forthwith pronounced against him. Besides the persons who did so were not the most learned; and their bold attempts were not carried with consistency throughout. In this department, as in others, men of splendid abilities and the most copious learning conformed to the narrow spirit

of their age. From a multitude of insulated details, they drew up, what the remains of ancient literature did not afford united in any single work, a systematic account of Roman antiquities: what they did in this respect is wonderful. And this is sufficient to earn them imperishable fame: for he who would blame their not being more independent of their age, is blind to the common lot of mortals, from which none but the favorites of the gods are exempt; and they mostly have to pay for this blessing by persecution. On the other hand in the way of history strictly so called little was produced, — dry compilations concerning the times where the books of Livy were lost, and detacht observations which led to nothing beyond.

In the latter half of the seventeenth century Philology entered upon a kind of middle state, between the period of her earlier greatness within her exclusive sphere, — where, having accomplisht whatever was to be accomplisht in this manner, she consequently fell into decay, — and that of a new, richer, and more comprehensive greatness, for which she was to be indebted to the development of other sciences, although for a while they overshadowed her. This, like all middle states, was one of uneasiness and depression. Bentley, and a few more, who were in part the creators of the new age, in part the preservers of the knowledge the old one had left behind, stood as giants amid a generation of dwarfs. Intellect and science during that century were everywhere coming out of their nonage. Men were taught by great examples to look things in the face, and to pursue their researches with freedom; to regard the books, which till then had made up the scholar's whole world,

as merely pictures of a part of the living universe, which could not be directly approacht; to exercise their own understanding, their own reason, their own judgement in everything. Nor was the field of Roman history left unvisited by this youthful spirit of freedom. It is undoubtedly to the pervading activity which prevailed during the latter part of that century, that we owe the first work which, while it discusses an abundance of details, enters into a general examination of what this history is and may be made: I mean the masterly inquiries of Perizonius; a book which, like other products of genius, is unsurpast and classical in the kind wherein it was the first. Perizonius however, though we here feel the breath of that spirit which in those days was everywhere awakening, had advanced far beyond his age; and Bayle, who twelve years after pointed out the contradictions and impossibilities contained in a few portions of the earliest history of Rome, makes no use and takes no notice of him: nor does Beaufort, although his sole attention was directed to that object, which Bayle merely fixt his eyes on for a few hours, among a thousand others of the same kind.

Beaufort was ingenious, and had read much, though he was not a philologer. One or two sections in his treatise are very able and satisfactory; others on the contrary feeble and superficial. Bayle is the master whom he implicitly follows throughout: the soul of his book is scepticism: he does nothing but deny and upset: or, if he ever tries to build, the edifice is frail and untenable. Yet the influence and reputation of his book spread extraordinarily. For Roman history had almost entirely escaped the attention and care of philologers:

those who chiefly interested themselves about it, though not more so than about that of other nations, were intelligent men of the world: and for their use it was at that time handled by several authors, without pretensions or view to learning and research. Such of these as did not wholly overlook the earlier centuries, under the notion that they were of no importance, were so well satisfied with Beaufort's inquiry as to give them up altogether. Gibbon's history, which even in a philological point of view is a noble masterwork, left this region untoucht.

The end of the last century was the opening of a new era for Germany. Men were no longer satisfied with superficial views in any field of knowledge: vague empty words lost their currency. Yet the work of destruction, which had gratified the preceding age, in its anger against the continuance of an authority founded only on usurpation, was no longer held to be sufficient. My countrymen strove after definite and positive knowledge, like their forefathers: but it was after true knowledge, in the room of that imaginary knowledge which had been overthrown. We had now a literature, worthy of our nation and language: we had Lessing and Goethe: and this literature comprised, what none had yet done, a great part of the Greek and Roman authors, not in mere copies, but as it were reproduced. For this advantage Germany is indebted to Voss, whom our late posterity must extoll as their benefactor; and with whom a new age for the knowledge of antiquity begins. He succeeded in eliciting out of the classical writers, what they are wont to presuppose, their notions of the earth for instance, and of the gods, their ways of life, and

their household habits: and he understood and interpreted Homer and Virgil, as if they were our contemporaries, only separated from us by an interval of space. His example wrought upon many: upon me, ever since my childhood, it has been enforced by personal encouragement from this old friend of my father.

Previous ages had been content to look at the ancient historians in the way many look at maps or landscapes, as if they were all in all; without ever attempting to employ them as the only remaining means for producing an image of the objects they represent. But now a work on such subjects could not be esteemed satisfactory, unless its clearness and distinctness enabled it to take its stand beside the history of the present age. And the time was one when we were witnessing many unheard of and incredible events; when our attention was attracted to many forgotten and decayed institutions by the sound of their downfall; and our hearts were strengthened by danger, as we became familiar with its threats, and by the passionate intensity it gave to our attachment to our princes and our country.

At that time philology in Germany had already reacht that highth, which is now the boast of our nation. It had recognized its calling, to be the mediator between the remotest ages, to afford us the enjoyment of preserving an unbroken identity through thousands of years with the noblest and greatest nations of the ancient world; by familiarizing us, through the medium of grammar and history, with the works of their minds and the course of their destinies, as if there were no gulf dividing us from them.

In this manner, although Greek literature long possest

an almost exclusive preference, the critical treatment of Roman history, the discovery of the forms of the constitution which had till then been misunderstood, was a fruit that time had been maturing: and a multitude of fortunate circumstances combined to foster its growth. It was a time full of hope, when the university of Berlin opened: and the enthusiasm and delight in which months rolled away, while the contents of the first volumes of this history were digested for lectures, and workt up for publication;—to have enjoyed this, and to have lived in 1813,—this of itself is enough to make a man's life, notwithstanding much sad experience, a happy one.

In this state of delight the meaning of many an ancient mystery disclosed itself. But yet more were overlookt: in much I erred: a still greater part was left in a disjointed condition, feebly supported by proofs. For my knowledge was the unsatisfactory knowledge of one who had been self-taught, and who as yet had only been able to devote such hours to study as he could withdraw from business: and I had reacht my mark like a man walking in his sleep along a battlement. That these defects, and the overhasty composition of the first volume, which had compelled me to introduce sundry corrections in the sequel of the work itself, did not hinder its reception from being on the whole very favorable, is a proof that the revival of Roman history was in accord with the spirit of the age. Nay our age may discern itself to be immediately called by Providence to this inquiry; inasmuch as, within the eleven years since it commenced, three new and rich sources have been opened to us by the publication of Lydus, Gaius, and

Cicero's Republic: whereas centuries had previously elapst without adding to our means of knowledge.

To these defects of my work I was far from blind. The points attackt by those who criticized it, were by no means the weak ones, but often the soundest and strongest. My being aware of these faults, and desirous to make use of the new discoveries, was the main reason which retarded the continuation: for it was necessary that, before I proceeded, the first volume should be written anew. Meanwhile I was living in Italy, and at Rome; and was too much taken up in seeing and receiving impressions to work with energy at books. Besides I fancied I should scarcely be able to proceed, without the happiness I had once enjoyed, when the point on which an inquiry hinged would come forward into a clear light during a conversation with Savigny; and when I found it so easy to ask many a question, so cheering to complete an embryo thought, and to try its worth. On my return to Germany I drew up the plan of the third volume, preparing the way for it by remodeling the first, and correcting the second.

This new edition, in which it has been my aim to make all the proofs and solutions satisfactory, required very extensive labours. But, as all labour is lightened when new springs of activity are imparted, so this was mainly promoted by my lectures on Roman antiquities last winter. The words of Pyrrhus to his Epirots, — *Ye are my wings,* — express the feeling of a zealous teacher toward hearers whom he loves, and whose whole souls take part in his discourse. Not only are his researches promoted by the endeavour to make himself

clear to them, and to utter nothing as truth which can admit of a doubt: the sight of them assembled before him, the personal relation in which he stands to them, awaken a thousand thoughts while he is speaking: and how different a thing is it to write down words which have previously been poured forth as the fresh thoughts prompted them!

The work I here lay before the public, as the first glance will shew, is an entirely new one, in which scarcely a few fragments of the former have been incorporated. It would have been far easier to preserve the groundwork of the first edition: I resolved on the more difficult task, as the most expedient, from its giving unity and harmony to the whole. That whole, made up of this and the next two volumes, is the work of a man in his maturity; whose powers may decline, but whose convictions are thoroughly settled, whose views cannot change. Accordingly I wish that the former edition may be regarded as a youthful work. Our friends are often more tender-hearted toward us than we are ourselves: and perhaps one or two may regret some things that have been destroyed and cast away. More than once it was with a lingering hand that I overthrew the old edifice. But what was built on suppositions ascertained to be wrong, could not be permitted to remain: nor was it allowable to preserve it by slipping some other prop under, so as to efface the appearance of the original foundation.

The further continuation down to the term I have now set before me, I may, if it please God and his blessing abide with me, confidently promise; although the progress may be but slow. It is the work of my

life; which is to preserve me a name not unworthy of my father's. I will not lazily abandon it.

When a historian is reviving former times, his interest in them and sympathy with them will be the deeper, the greater the events he has witnest with a bleeding or a rejoicing heart. His feelings are moved by justice or injustice, by wisdom or folly, by coming or departing greatness, as if all were going on before his eyes: and when he is thus moved his lips speak, although Hecuba is nothing to the player. Would it were acknowledged that the perfect distinctness and clearness of such a vision destroys the power of obscure ideas and indefinite words! that it precludes the silly desire of transferring out of ages of a totally different character what would now be altogether inapplicable: that, to retain the poet's simily, it precludes fools from coming forward as knight-errants, to avenge the sorrows of Hecuba. If any one, after being reminded of this, persists in misapprehending my meaning, he must be dishonest, or at least very simple. Of the principles on which the political opinions in my work are formed, there is not one that may not be found in Montesquieu or Burke: and the proverb, *quien hace aplicaciones, con su pan se lo coma*, is enough.

It is with a solemn feeling that I close this preface with the words which fifteen years ago closed that of the first edition: the repetition of them "brings back the images of joyous days, and much-loved shades rise up before my soul."

There is an inspiration which proceeds from the presence and the converse of beloved friends; an immediate action on our minds, whereby the Muses are revealed to

our view, awakening joy and strength in us, and purging our sight: to this my whole life long I have owed whatever was best in me. Thus it is to the friends amid whom I returned to studies long resigned or faintly pursued, that I owe the result, if it has been auspicious. Therefore do I bless the beloved memory of my departed Spalding: therefore too allow me openly to express my thanks to you, Savigny, Buttmann, and Heindorf, without whom, and without our deceast friend, I should certainly never have had the courage to undertake this work, without whose affectionate sympathy and enlivening presence it would hardly have been accomplisht.

BONN,
December 8, 1826.

In this new edition none of the results delivered with any degree of positiveness in the former have been retracted: but some new ones, along with sundry scattered additions, have been inserted, which tend to complete those formerly gained. Several of the views have become more definite, and the representation and expression of them clearer. Thus it will serve as a firmer foundation on which the following volumes may be raised without props or other outworks.

April 9, 1828.

In the notes which are not numbered, the Translators have inserted some references to ancient authorities, mostly to passages made use of in the text: and they have added a map, founded on that given by the Author in his first edition, which may be of use to the Reader of the first part of the volume. The general remarks on Roman history subjoined to this preface form the lecture with which the Author originally ushered in the publication of his researches; and having recently been inserted in the first volume of his Philological Tracts, it is here introduced, on account of its throwing so much light on the spirit with which the work was first entered upon, and has been pursued.

I HAVE undertaken to relate the history of Rome. I shall begin in the night of remote antiquity, where the most laborious researches can scarcely discern a few of the chief members of ancient Italy, by the dim light of late and dubious traditions: and I wish to come down to those times when, all that we have seen spring up and grow old in the long course of centuries being buried in ruins or in the grave, a second night envelopes it in almost equal obscurity.

This history in its chief outlines is universally known, and by very many, at least in part, immediately from the classical works of Roman authors, so far as their remains supply us with a representation of several of the most brilliant and memorable periods of republican and imperial Rome. If the whole of these works were extant, if we possest a continuous narrative in the histories of Livy and Tacitus, extending, with the exception of the last years of Augustus, from the origin of the city down to Nerva, it would be presumptuous and idle to engage in relating the same events with those historians; — presumptuous, because the beauty of their style must ever lie beyond our reach; and idle, because, over and above the historical instruction conveyed, it would be impossible to have a companion through life better fitted to fashion the mind in youth, and to preserve it in after-age from the manifold barbarizing

influences of our circumstances and relations, than such a copious history of eight hundred and fifty years written by the Romans for themselves. We should only want to correct the misrepresentations during the earlier ages, and to sever the poetical ingredients from what is historically sure and wellgrounded: and without presumptuously appearing to vie with the old masters, we might draw a simple sketch of the constitution, and of the changes it underwent at particular times, where Livy leaves us without information, or misleads us. But as those works are only preserved in fragments; as they are silent concerning periods perhaps still more prominent in the importance of their events than those which we see living in their pages; as the histories of those periods by moderns are unsatisfactory, and often full of errour; I have deemed it expedient to promote the knowledge of Roman history by devoting a course of lectures to it. A doubt might be entertained, whether it were better to give a connected narrative, or merely to treat of the portions where we are left without the two historians. I have determined in favour of the former plan; trusting that I shall not lead any of my hearers to fancy he may dispense with studying the classical historians of Rome, when he has gained a notion of the events which they portray, and hoping that I may render the study easier and more instructive.

Much of what the Roman historians have set down in the annals of their nation must be left out by a modern from that mass of events wherein their history far surpasses that of every other people. Under this necessity of passing over many things, and of laying down a rule for my curtailments, I shall make no mention of

such persons and events as have left their names a dead letter behind them, without any intrinsic greatness, or important external results; although a complete knowledge of every particular is indispensable to a scholar; and though many a dry waste locks up sources, which sooner or later he may succeed in drawing forth. On the other hand I shall endeavour to examine the history, especially during the first five centuries, not under the guidance of dim feelings, but of searching criticism. Nor shall I merely deliver the results, which could only give birth to blind opinions, but the researches themselves at full length. I shall strive to lay open the groundworks of the ancient Roman nation and state, which have been built over and maskt, and about which the old writers preserved to us are often utterly mistaken; to execute justice in awarding praise and blame, love and hatred, where party-spirit has given birth to misrepresentations, and thereby to false judgements, after upward of two thousand years; to represent the spreading of the empire, the growth of the constitution, the state of the administration, of manners, and of civility, according as from time to time we are able to survey them. I shall exhibit the characters of the men who were mighty in their generation for good or for evil, or who at least rose above their fellows. I shall relate the history of the wars with accuracy, wherever they do not offer a mere recurring uniformity, and, so far as our information will allow, shall draw a faithful and distinct portrait of the nations that gradually came within the widening sphere of the Roman power. Moreover I shall consider the state of literature at its principal epochs, taking notice of the lost as well as the extant writers.

When Sallust, after much bitter affliction endured in the service of the state, resolved to withdraw from public life, and returning with a composed mind to his favorite pursuits undertook to relate certain passages in the history of his country*, he found it necessary to prove to his fellow-citizens, — for only some few solitary Greeks, and a small number of western Europeans read Latin, — that the deeds of the Romans were not eclipst by those of the Greeks. A century earlier Polybius had endeavoured, but probably in vain, to set before the eyes of his countrymen, how far the greatness of Rome went beyond everything that history had previously known, and that too not merely nor chiefly from the extent of her empire. That the Greeks, even if they had not been blinded by animosity and hatred against their forein conquerors, should have thought slightingly of a history devoid at that time of the grace and life of eloquent narrative, which embellisht the exploits of their own ancestors, and without which even the most eventful recorded story can no more be fully felt, than a lyrical poem without a musical accompaniment, — this was the natural result of their lively, airy character, and their exclusive devotion to beauty. It is remarkable however that, among the literary public of Rome, whose approbation Sallust wisht to gain, overbearing as the Roman national pride was, the same tone of feeling and complete ignorance of their forefathers greatness prevailed. Yet, strange as this may appear, it may be explained without difficulty: and he himself has given us the solution, under the silent conviction no doubt that with his

history a new state of feeling would arise among the Romans. At that time with the exception of Cato's *Origins*, which must have had the same charm of raciness as the best of our old chronicles, they found no historian in their own language readable *. And certainly the chief part of them must have been exceedingly meagre and tame. But even the honest good faith of the ancient writers was incapable of affording enjoyment in those days, when the readers at Rome had totally lost all relish for simplicity, being trained solely in the study of Greek literature, and having their minds formed, not by its noble classical works, but by the glitter and tinsel of a degenerate style, full of point and ingenuity, which at that time was the fashion among the Greeks, the teachers and living models they were familiar with.

As the poets rescued the heroes of old from the night of oblivion, so did the great national historian, whom Sallust preceded, rescue the deeds and the great men of Rome. It is hardly too much to affirm that Livy first taught the Romans what a history they had. Their great actions and victories were now encircled by the graces of his exquisite style with the noblest ornaments of republican and civic virtues, — hightened through his wish of beholding in the times of his ancestors the remains of the brazen age coming down almost to his own days; — with a gravity and dignity which surpast the great men of Athens, with their unconcealed human failings and weaknesses, and threw them into the shade,

* Cicero, de leg. 1. 2, 3 : where even Cato is not exempted from the general condemnation.

as much as the conquest of vast empires and fierce nations did the passionate struggles between petty republics: for the wonders of the Persian war soon past with the Romans for an impudent fable *.

The middle ages, and Italy on its regeneration, being unacquainted with the attractions of the Greek historians, bestowed all their admiration on the history of Rome: as if fate had meant to make amends to her ancient heroes for the indifference of their posterity in the age which had been drawn away from them by a forein literature. There is little learning, but only the more simplicity and sincerity, in the reverence with which the Italians of the middle ages at the dawn of knowledge pronounced the great names of Rome. Perhaps they only felt the more intimate with them, because, without refining, without heeding the difference of manners and times, they invested their noble spirits with the relations, and almost with the forms, of their own contemporaries and fellowcountrymen; just as they viewed the imperial power of their own days as an unaltered continuation of the empire of the Cæsars. In Dante's eyes Virgil was a Lombard; as even later the painters portrayed the Romans in the dress of their own times: the people honoured Virgil's tomb and his memory, as that of a powerful and beneficent magician. Even Petrarch, and he no doubt consciously, cherishes the delusion that the unity of the nation was unbroken except by time: he looks on Stefano Colonna as an old patrician, and on Rienzi as a tribune of the people. It was not till the following century, that antiquity was disentangled from this

* Who does not remember Juvenal's jeer?

confusion with the present time: and as every germ was then expanding with prodigious vigour, a few of the learned speedily gained the most distinct and liveliest view of the character of ancient Rome, which we can hope on the whole to attain to, much as has since been brought to light that may furnish us with more accurate information. Since the time of Sigonius however the history of ancient Rome has owed but little to scholars: it escaped from their hands, and fell, in a few fortunate cases, into those of great statesmen; but mostly of ordinary historians.

One must not disguise from oneself that during the last two centuries, instead of gaining in distinctness and completeness, it has rather lost. The old Italian philologers, whose whole being was impregnated with the spirit of ancient Rome, and who were inspired with something like a faculty of divination even by the classical ground they trod on, had framed an idea of the ruined building from its fragments, and in clearing away the rubbish had restored it in their minds. The want of this idea injured the works of those who wrote on Roman history as politicians; and thus the history itself was corrupted. Of this Machiavel's *Discorsi*, though so full of subtile and profound remarks, are a signal instance; since he talks, always indeed most ingeniously, but very often of things which never existed. I mention him in this place, because, though he lived in an age when philological learning was at its highth, he was always a stranger to its spirit. Montesquieu, with pretensions to accurate historical information, and therefore likelier to do harm by establishing erroneous opinions, is full of mistaken views, and, when he speaks of any facts,

very often utterly misleads us: an opinion which I do not deliver for the sake of detracting from his fame: for it will rather augment it to find that a candid reader must still admire him, even after he has acquired the strongest conviction on these points from his own investigations. That we do not understand the ancients, unless we frame distinct notions of such objects of their everyday life, as we have in common with them, under the forms their eyes were accustomed to; that we should go totally astray, if (as the middle ages did, and, since so many things were still unchanged, might do without being equally deceived) we too, on reading of a Roman house, a Roman ship, Roman agriculture and trade, Roman dress, or the interior of a household in ancient Rome, conceived the same notions which answer to those words in our own days,— this everybody must feel: but the paralogisms occasioned by the use of equivocal terms go much further than the outward form of things. The ideas on which the institutions of the Roman state and its administration were founded, ideas which in most cases are presupposed in the historical accounts, and are very rarely explained, nor ever except in particular instances, were no less different from ours, than the Roman dwellings, clothing, and food. And as there is nothing the Asiatics find it harder to conceive than the idea of a republican constitution, as the Hindoos are utterly unable to look upon the India-Company as an association of proprietors, or in any other light than as a princess, so it fares with even the acutest of the moderns in the history of antiquity, unless by critical and philological studies they have stript themselves of their habitual associations. Thus the condition of the Roman provinces

and of their governors was so remote from our usages, that, although perhaps none but a statesman is capable of interrogating history on such matters, and of divining the meaning of fragments, which to the compiler would always be a mystery, yet, unless he himself makes researches, and is qualified for making them, his notions on these points will either be false, or vague and incoherent. For instance, the state of the law concerning landed property and the public domains at ancient Rome differed to such a degree in its peculiarities from the rights and institutions we are used to, that the confounding our ordinary notions of property with those of the ancients, a confusion from which Montesquieu did not keep clear any more than Machiavel before him, gives rise to the most grossly erroneous opinions on the most important questions of Roman legislation; opinions under which the voice of justice must pronounce condemnation against actions and measures perfectly blameless; or an indistinct feeling of enthusiasm for great and noble characters must plead in behalf of the most dangerous projects and enterprises.

When the Greeks had fallen under the dominion of Rome, the question whether her greatness was a gift of fortune, or had been achieved by her own efforts, by her virtue, as it was termed, employed the writers who regulated the opinions of readers and of society in the unwarlike and idle East. It was an idle question; not started in the sense in which Mithridates in later times may probably have meditated on it: whether all resistance must be unavailing? whether an unalterable destiny had decreed that Rome should be the mistress of the world? or, what was scarcely less formidable, whether

the unmatchable excellence of her national spirit and of her institutions assured the Roman armies of being victorious for ever? The question merely busied such as, wishing to get rid of their shame at the disgraceful manner in which they had sunk into their present wretchedness, pretended that want of energy, of virtue, and of understanding, was a mere secondary consideration in a case determined by an irresistible fate. At the same time, after the manner of slaves, like Xanthias in the comic poet *, they sought their highest gratification in eavesdropping, in telling tales of their masters, and in cheating them. Polybius, who had indeed been in earnest, who was true to his cause, but yielded to the overpowering force, on which the foolish rashness of his countrymen, stirred up as they had been by the thoughtless and the profligate, had wreckt, felt his indignation excited by the prating of such writers: and one of the purposes of his history was to make it clear to the Greeks, that the greatness of Rome was not founded on any fatality, but on firmness of will, on sage institutions, and unwearied diligence in preserving, bettering, and applying them. In so doing however he did not bestow any praise for actual virtue on the Romans of his age: and if he now and then expresses himself with an enthusiasm that surprises us in a man placed as he was, we must reflect that his whole character was thoroughly practical, altogether destitute of that fervour, and that imaginative feeling, with which the Athenians contemplated even what was going on before their eyes, but still more what was removed from them a short distance into the past. This

* Aristophanes, Ran. 750 foll.

very deficiency caused those imperfections in his work, which in the opinion of his countrymen made him only a secondrate historian. He found everything ripe for destruction in all the states which were afterward swallowed up in the Roman empire; and as he was conscious that he himself, along with a very few kindred souls, had vainly resisted the stream, as he felt bitter scorn for Callicrates, Diæus, Critolaus, and the others, by whose manifold delinquencies the calamity was brought on, while he admired Scipio and Cato and Paulus Æmilius, his incorruptible judgement on some occasions has more than the mere look of want of feeling.

The moderns, Machiavel for instance, and Montesquieu, seem to have revived that question, though in a somewhat different sense, and carry their admiration of the Romans and their institutions to a pitch of the strongest partiality. The austere frugality of the ancient republicans, their carelessness about the possession and the pleasures of wealth, the strict regard for law among the people, its universal stedfast loyalty during the happy centuries when the constitution, after the pretensions of the aristocracy had been curbed, was flourishing in its full perfection, — the sound feeling which never amid internal discord allowed of an appeal to foreign interference, — the absolute empire of the laws and customs, and the steadiness with which nevertheless whatever in them was no longer expedient was amended, — the wisdom of the constitution and of the laws, — the ideal perfection of fortitude realized in the citizens and in the state, — all these qualities unquestionably excite a feeling of reverence, which cannot be awakened equally by the

contemplation of any other people. Theirs was no state of unnatural constraint, such as under the laws of Sparta, where in the opinion of other Greeks the contempt of death was natural, because death burst an intolerable yoke. It was a system on the contrary which fostered a rich growth of true individual happiness, of manly enjoyment free from sensuality. Other constitutions, perhaps no less perfect, produce a less imposing effect upon us from the honour they pay to wealth. Nations of manifold capacities and buoyant spirit cannot escape faults, from which singleness of aim is the only preservative: and in the events of times past we are more sensible of faults than of deficiencies. Thus it is quite natural that, even setting aside the splendour wherewith power and victories are always surrounded, we should look up admiringly to the Romans of the good times of the republic. They bear a great resemblance in their virtues to the Arabs under the early caliphs: but the latter had no constitution by which to maintain themselves. The Romans for centuries were comprest into a compact body: the Arabs were never thus concentrated: they scattered themselves abroad over half the world, and degenerated rapidly. Yet after all, if we bring those ages vividly before our minds, something of horrour will mingle with our admiration. For those virtues from the earliest times were leagued and compromised with the most fearful vices; insatiable ambition, unprincipled contempt for the rights of foreigners, unfeeling indifference for their sufferings, avarice, even while rapine was yet a stranger, and, as a consequence of the severance of ranks, inhuman hardheartedness, not only toward

slaves or foreiners, but even toward fellowcitizens. Those very virtues prepared the way for all these vices to get the mastery, and so were themselves swallowed up.

Now, while in forming a just estimate of the Romans we must not lose sight of these dark shades in their character, and must therefore limit our assent to their praises, we are also forced, though in a different sense from the Greeks, to ascribe a large share in producing their greatness to fate. Through the whole of their history we shall see how often all the virtues of the state and of the people would have been ineffectual, unless destiny had saved Rome in her perils, and paved the way for her triumphs. The nations and the men before whom Rome might have fallen appeared too late. In the periods of her weakness she had only to fight with adversaries no way superior to her: and while Rome staked everything on the cast, and war was her natural state, other nations husbanded their efforts, because they despaired of victory, or at the bottom of their hearts loved nothing but effeminate sloth, whatever their illjudged enterprises might seem to imply. No one among them came against her with a like spirit and a like purpose: and this alone was enough to make Rome subdue them all. Philip's inaction at the beginning of the war with Hannibal,—that of Mithridates so long as the Marsian war threatened Rome, and a slight additional weight would have turned the scale,—these are events in which we cannot but recognize the finger of God. For that Rome was not naturally unconquerable, was demonstrated by the resistance of a few truly warlike nations, who were only overpowered by superiority of numbers and force. As it was however, even these contests served in

the intervals between the greater and more decisive ones to keep discipline and the art of war from declining, as during a long peace they naturally would have done in the Roman as in other armies.

In the progress of events, when the Roman conquests are consolidated into one mass, the history entirely loses the moral and poetical interest of the earlier centuries. Indeed this had already been disturbed for some time by convulsions and atrocities, and the decay of every national virtue. It seems to be the course of the history of the world, that conquests and divers intermixtures are to fuse the numberless original races together, and to exterminate such as cannot be amalgamated; and this the Roman dominion has effected in a greater extent and degree than any other vast general revolution, even than the Arabian. Seldom will a particular people be a gainer by such an intermixture. Some sustain the irreparable loss of a noble national civilization, science, and literature. Even a less cultivated people will hardly find that the refinements thus imported, which moreover, if they are suited to its genius, it might have attained of itself, will make amends for the forfeiture of its original language, and hence of its original character, its national history, and its hereditary laws. This loss was first felt by the Roman provinces. But the population of Rome and of Italy being recruited out of their inhabitants and out of freedmen, Rome suffered in an equal degree. It became so estranged from its early times and their history, that even in the third century of our era a humble panegyrist, without fear of giving offense, could express a doubt whether his master, whom he compared to the great Scipio, had ever heard of the

second Punic war*: and Valens employed Eutropius to draw up a meagre outline of Roman history, to supply his ignorance of it. Nevertheless, though the Roman dominion crusht much, we must gratefully acknowledge what it created and preserved. It founded or infused life into almost all the towns standing at this day within its ancient limits. The languages of western Europe, springing from the Latin, kept its literature accessible, and made its revival possible. Nay, it was undoubtedly the Roman dominion that preserved Greece, and the writings of the Greeks. For, if the East had not been protected by the forces of a great empire, the barbarians would probably have overrun these depopulated and enfeebled countries in very early times, or at all events infallibly at the period of the great migrations, and then, along with the degenerate Greeks, would have swept away the treasures they were preserving for a reviving world. The Roman law was a great advantage at least for the Romanized nations: nor will the Germans ever be able to dispense with it; since they have not matured that of their own ancestors, and have lost its spirit. That the union of the Roman world was necessary to the spreading of religion, that Rome as its centre enlightened and softened the whole West, will scarcely be questioned or denied now by the impartial. Thus we can look back on this great period of history with the consoling thought, that the generations sprung from those who suffered and perisht, were the gainers by what was finally establisht. It is idle to talk of possible events, which were stifled in the germ: so we will not deplore that all have lost many an unreplaced and irreplaceable

* Panegyr. Maximiani, 8.

treasure: we will not ask whether the richest crop of good that after-ages may have reapt, can compensate for the sufferings of down-trodden generations. At all events we do not turn away our eyes from those times with so much of gloom and doubt, as from the fate of devastated and desolated Asia; whose fairest regions, abandoned even by the vital powers of nature, and dying away year after year, are shut out from the very possibility of more prosperous times, — where history closes in the grave.

Of the German nation however, with regard to such of its races as did not forsake their home, or did not drop their character, while living among the Romanesque nations they had conquered, we may assert, that, for the war which they waged during centuries against Rome, they have in aftertimes been more than rewarded by the benefits accruing from the union of the world under Rome; and that without this, and the fruits that ripened in it, we should hardly have ceast to be barbarians. It was not by the forms, which our ancestors at the diffusion of letters imported from thence and from classical ground, that the noble peculiarities of our national genius, peculiarities for which nothing can compensate, were smothered: those forms were not irreconcilable with them. But secondhand artificial spiritless Frenchified forms and tastes and ideas, such as even in earlier times had crept in amongst us, and overlaid those which were homesprung, these are the things that for a long time have made us lukewarm and unnatural. And so, while other nations look back on the Romans as holding a place among their progenitors, we too have no slight personal interest in their story.

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THE HISTORY OF ROME.

I HAVE undertaken to write the history of Rome; from the earliest ages of the city, down to the time when the soverainty of Augustus over the Roman world was undisputedly acknowledged. I begin, when the contiguous settlements formed by divers nations were preparing the growth of a new people: when I reach my goal, this people has incorporated millions with itself, and has given them its language and its laws; it rules from the rising to the setting sun; and the last of the kingdoms that arose out of Alexander's conquests, is become one of its provinces. Long before we meet with any historical record of particular individuals, the forms under which the commonwealth existed, may be recognized with certainty: so firmly, and for centuries indelibly, were they imprest upon everything, and so entirely was the individual identified with the state. At the close of the period which I purpose to embrace, the nation is resolving into a fermenting mass, which, being deserted by its soul, is daily losing its form and mouldering away.

Numberless are the chances and the changes through which the Romans past from the former of these limits to the latter. The vastness of the events, the grandeur of the exploits, and the characters of men who were worthy to wield a gigantic power, preserved the memory of much in the story of Rome, even during the most ignorant ages. In its earlier portions however poetry has flung her many-coloured veil over historical truth. As we advance, a multitude of empty fictions, as

well as of popular legends under a variety of forms, are combined with the outlines of dry chronicles, and the scanty results drawn from authentic documents by one or two genuine historians. Often they are irreconcilable and may easily be discerned; but at times there is a deceitful congruity. In no history is it later comparatively before we reach what is actually certain. Still this does not make it necessary for us to give up this most important of all histories as hopeless for the main part of its duration. Provided that we do not set up any pretension to a minute exactness in matters of detail, which in truth is of no value to us, much may be ascertained even in those dark periods, on historical evidence as valid as we possess for contemporary events in Greece: and this we are bound to attempt.

It is in making out the internal history and condition of the state, that we may be the most successful; even more so than in similar inquiries concerning the Greeks. Few nations have brought their existence to a close like the Romans, without its being cut short by the dominion of a stranger: among these few none has maintained such a fulness of vigour. No other state ever existed so long, preserving all the elements of its constitution unextinguisht. Numerous and manifold from the first, they all last till their natural decease: whenever anything outlives itself, it is removed; and something similar is ever planted where a space is left empty, or where new ground has been enclosed. Thus the state retains its youthful vigour, and continues substantially the same, while perpetually renewing itself: until at length it comes to a stoppage and a standstill; and then its indestructible energy is followed first by languour, next by a deadly sickness. But during the very ages whose story we can hardly do more than guess at, there was such a proportion and correspondence among the various parts of the constitution, that, when a few traces and remains of intelligible

import have been brought to light, safe and certain conclusions may be drawn from them concerning other things, from which we have no means of clearing away the rubbish, or of which the lowest foundation-stones have been torn up: just as in mathematics, if a few points are given, we may dispense with an actual measurement.

As rivers flow into the sea, so does the history of all the nations, known to have existed previously in the regions around the Mediterranean, terminate in that of Rome. Many appear in it only to perish forthwith. Others maintain their existence for a while, mostly in a struggle; but the contact sooner or later proves fatal to them. A historian of Rome must not leave those who wish for such an account as shall give meaning to the names of these nations, and for a view of their condition and character, to seek for it in other works, where very probably they may not be found. His business is to exhibit the best image of them that research and reflexion can produce; so that his reader may not content himself with an empty name, or with notions caught up at random.

Livy had no such aims. What moved him to write, was, that nature had endowed him with a brilliant talent for the representation of character, and for narration; with the imagination of a poet, though either without the power or the love of versifying. He wrote, without any positive feeling whether of doubt or conviction, bringing down the marvels of the heroic ages into the sphere of history; as was commonly done even by those who in what belonged to their own times and experience were far from credulous, at a period when the thoughtless belief of childhood continued undisturbed throughout life. Even those primitive ages when the gods walkt about among mankind, he would not absolutely reject. Whatever was related of more recent times, provided it was not inconsistent with the laws of

man's condition on earth, he merely held to be less full and certain, but of the same kind with the records of accredited history. The constitution he altogether neglected, except when forced to speak of it by the internal dissensions. On such occasions his views and judgement were biast by the prejudices of the party he had been attacht to since the earliest recollections of his youth; and thus they became hostile to those whom, from their bearing the same name, he regarded as in fact the same, with those he justly deemed the worst among the conflicting bad in the times of general corruption. Moreover, though in his later books he gave descriptions of unknown countries, as for instance of Britain, drawn from oral accounts, yet he took no pains to procure any distinct conception of the nations or states he had to speak of in the remoter ages.

His wish was, to turn away his thoughts from the degeneracy of his own days, while reviving the glories of the past: and the ease and security wherein the weary world was at length beginning to breathe again, could not but comfort him in his sorrow when portraying the fearful events of the civil wars. He was desirous of teaching his countrymen to know and admire the deeds of their ancestors, which had been forgotten, or were recorded only in lisping narratives: and he enricht their literature with a colossal masterwork, with which the Greeks have nothing of the kind to compare; nor can any modern people place a similar work by its side. Of all the losses that have befallen us in Roman literature, the greatest is that which has left his history imperfect.

Yet even if the whole had been preserved, we should still have had occasion to compose a history of Rome suited to our wants. For in order that the story of an age that has past away, may resemble that of our own age,—in order that the heroes and patriots of Rome may rise up before our view, not like Milton's angels,

but as beings of our own flesh and blood,—we require something more and something else, over and above what we find in his inimitable narrative. Everybody too must perceive, that in this narrative there is much, which now eighteen hundred years after will not dwell in the memory of any reader, however interested in the subject. The devising and fabricating for ourselves the wants of another age, even though we may rank it higher than our own, and the disclaiming and neglecting the wants we actually have, are habits that render us helpless and joyless, and are childish. To vie with Livy as a historian, to fancy that the lost portions of his work might be replaced, if our materials were more abundant, would be ridiculous. But there is no presumption in undertaking carefully and laboriously to examine, to combine, and thus to infuse life into our poor and fragmentary notices; in the hope that by this process, during the periods where we have nothing better, such an image, as is easily produced where the material is plenteous and fine, may still come forth living and complete in all its essential members.

How far I may succeed, will be determined by a higher power. To these researches however I owe the most animated days in the prime of my life; and since the continuation of this work will employ my old age, as Livy's creation did his, it is a pledge that my latter years will also be active and cheerful. He who calls departed ages back again into being, enjoys a bliss like that of creating. It would be a great thing, if I could scatter the mist which lies upon this most important portion of ancient history, and could spread a clear light over it; so that the Romans might stand before the eyes of my readers, distinct, intelligible, familiar as contemporaries, with their institutions and the vicissitudes of their destiny, living and moving.

ANCIENT ITALY.

THE Romans are not accounted to belong to any of the Italian nations. Even the writers who talk with credulous simplicity about the people of Romulus as a colony from Alba, never reckon them among the Latins: and in the traditions concerning their earliest ages they are represented as equally strangers to all the three nations amid which their city stood. Hence their history, if it merely aim at giving an epical narrative of actions and events, may certainly stand alone: and thus almost all the ancients who treated it, severed it from that of the rest of Italy. But to no glory had the Romans less claim, than to that of the Athenians, of being an original and peculiar people. If they belonged to no nation, it was only because, as even their fables and disfigured legends enable us to perceive, they arose from the coalition of several that were entirely distinct from one another[1]. Each of these left its peculiar inheritance of language, institutions, and religion, to the new people; which in the main features of its national character was assuredly always unlike any of its parent races. The

[1] This was the ground for the contemptuous assertion made by certain spiteful Greeks, which Dionysius argues against, that the Romans were no nation at all, but a conflux of outcasts from all sorts of people, σύγκλυδες. (I. 89.) It is the same taunt from which Josephus tries to defend his country against Apion, who maintained with good reason that much the largest part of the Jews in Palestine and Egypt were not sprung from the small colony sent back into Judea under the Persians, but from individual proselytes. Apion belonged to a people who had kept themselves unmixt; and from him the contempt for a nation without a pedigree is intelligible: in Greeks it was sheer malice.

previous history of those nations would therefore be a fitting preparation for that of Rome, even if the latter had never extended beyond the city. But the tribes that peopled Italy were lost in the light of the city; and the nation formed by its citizens spread itself throughout the whole peninsula. The Romans whose story we know from contemporaries, were descended with very few exceptions,—among the masters in oratory or poetry there is none but Cesar,—from allied nations which had been incorporated. Hence we cannot approve of the course followed by the ancient historians, who, attending only to the stream which gave name to the river, overlookt all the tributaries, even such as were far more powerful. We may and must censure those, who, while they recorded tales which had merely a slight local connexion with Rome, left the story of the fall of the Umbrians, and of the rise and greatness of the Sabellians and Etruscans, to sink into oblivion. Nor would the history of these nations interest us solely from the importance of the events. Cicero, himself a Volscian, declares that his countrymen and the Sabines, as well as Samnium and Etruria, had no less reason than Rome to boast of their wise and great men: nor can it have been the Pontii alone who raised their nation to a level with the Romans. But an obscure recollection is all that has remained of the heroes and sages of the Italians and Tuscans: scarcely has a dubious name been anywhere preserved. With regard to the difference of the races however, their migrations and conquests, particular statements are to be found, scattered over almost the whole field of ancient literature, as well as on monuments. To collect these and weigh them candidly, and thus to obtain some kind of substitute for the information we are unfortunately destitute of, is the more needful, because these subjects have always been treated arbitrarily, without judgement, nay, too often dishonestly. These inquiries, and such accounts as can

be drawn from them, form a necessary introduction to a Roman history by a modern writer.

Cato the censor, the first person apparently who wrote the history of his country in Latin and in prose, interwove in it, on the occasions, as it would seem, when the several nations and cities of Italy came into contact with the Romans, what he had learnt concerning the origin and movements of the former, and the foundation of the latter[2]. To him we owe a large part of what has come down to us on these subjects, even when it is not expressly referred to him. The time when he lived was very favorable to his undertaking. The Etruscans, Oscans, and Sabellians were still existing as nations: and though the being a Roman citizen was esteemed the highest of all privileges, the dignity of the other states had not yet disappeared; nor had the recollections of their old times become indifferent to the later generation. These nations, like Rome, had their fasti and chronological registers: their annals are cited[3]: and in places which had not, like Rome, lost their old language, and merely preserved a few fragments from the wreck of everything, these may have gone further back than the Roman. If they merely grew up from year to year under the hands of the magistrates, or of the priests, they must have been scanty, but, so far as they went, the more authentic. There is a very great probability however,

[2] Hence, with the exception of such as concerned the Ligurians and the Alpine tribes, these sketches found place partly in the first book, which contained the history of the kings, partly in the next two, which related the Italian wars. This division is evidently the model copied by Appian in arranging the books of his history, the first three of which embrace the same subjects. Hence Cato's *Origins* did not follow the order of time, unless by accident: for instance, the Illyrian war must have occurred in the sixth book, not in the fifth.

[3] Prenestine books, though in the Latin language indeed, by Solinus, p. 9. G.; a history of Cuma, by Festus, v. Romam. The Etruscan annals will be spoken of hereafter.

that among the Oscans, who were familiar with the arts of Greece, and among the southern Sabellians, whose cultivating Greek philosophy even as authors is assuredly something more than a mere groundless fable[4], historians both in Greek and in their native language must have arisen, long before the commencement of a literature at Rome. That literature was in its youthful prime prior to the Marsic war: yet learning and the rhetorical arts are said by Cicero to have been in a still more flourishing state among the Latins[5]; under which name he at least includes all such Italians as had adopted the use of the Latin language. A wish exprest by a leading personage, like Cato, to have books communicated to him, and, where need was, translated, would be a command to the subjects of Rome.

Original documents and inscriptions on brass and stone supplied still richer and surer materials for history than books. Many such have come down to us in languages that we cannot understand, a mere dead treasure. In those days little of this sort can have perisht, at least in the central parts of Italy, where most of the towns had suffered but slightly, either at the time of their conquest, or during the war with Hannibal. At Athens attention had been turned toward this source of strict historical information for a century and a half before, ever since the Athenian history had reacht its close. But the Romans were blind to their own documents: and those of Italy can scarcely be reckoned among Cato's materials.

Sixty years after he wrote, came the Marsic war; and that was followed by the times of Sylla. Those terrible ravages, which spread from place to place through every part of Italy, and by which the citizens of the

[4] Not that I mean to stand up for the individual Pythagoreans said to have existed among the Lucanians.

[5] De Orat. III. 11. Nostri minus student litteris quam Latini. See also pro Archia 3. Ferentinatis populus res Graecas studet. says the comic poet Titinnius in Priscian, VII. 12. p. 762.

chief towns were swept away, must also have proved destructive to monuments of every kind, especially to writings. In many districts the population was changed. Such was the final vengeance taken on Samnium; such the end of the perseverance with which Etruria resisted Sylla's tyrannical and shortsighted resolution of doing away every concession that in the course of ages had been yielded to circumstances, while she struggled to maintain the rights which she had received as a reward for standing aloof from the common cause of Italy. The ancient Etruscan nation perisht along with their science and literature. The nobles, who had taken the lead in the national contest, fell by the sword. Military colonies were establisht in the large towns; and Latin became the only prevalent language. The chief part of the nation was deprived of all landed property, and reduced to pine in poverty under foreign masters, whose oppression deadened every national recollection in the degraded generation that followed, and left them no other wish than that of becoming Romans altogether[6]. The Oscan language indeed had not wholly disappeared at Pompeii and Herculanum, when they were destroyed: and Gellius seems to speak of the Tuscan as a tongue still living in his days*; but writings and monuments in it were as unintelligible as those in Punic or Iberian, and were allowed to perish equally unheeded: the theological books might be read in Latin translations.

The loss of Varro's writings, who was often led to speak about the ancient times of Italy, and from whom we have many extracts on these subjects, is not of much

[6] When the higher classes of the Mexicans had been extirpated, the few survivers being either allowed to attach themselves to the conquerors, or sinking into contempt, the science and learning of this remarkable people were lost in less than a century; and so were its arts, although they had been cultivated by the lower orders, which suffered less, and not by the higher castes. Rome did not burn the ancient writings; but treated them with neglect.

* XI. 7.

importance in this respect, great as the value of his information is for a history of Roman manners. He understood nothing of Tuscan, and can hardly have known much of Oscan; nor does he seem to have made amends for these deficiencies by applying to others for aid. Such of his statements as are preserved concerning the early history of Italy, are for the most part utterly worthless, except the list of the primitive cities of the people whom he calls the Aborigines. At times he is evidently following late Greek writers of no value, and on one occasion a manifest impostor[7]. It is a pity that Dionysius and others have allowed themselves to be led astray by his authority.

Julius Hyginus, the contemporary and friend of Ovid, wrote on the origin of the Italian towns, without any critical discrimination, and building on very late Greek authors, who were undeserving of any regard. Yet he has often been quoted by the grammarians, and even by Pliny; much of whose description of Italy was drawn from this turbid source. From the list of the works that Pliny made use of, it appears that he had not thought it worth while to consult the twenty books of Tyrrhenian Histories written by the emperor Claudius. Universal contempt seems to have crusht that ill-fated work from its very first appearance, so that we have not a single quotation from it. Yet the Lyons Tables shew that Claudius was well acquainted with the Tuscan annals; and as we know that he examined the Roman archives[8], we may presume that he would endeavour to improve his history by having similar researches made among the Etruscan monuments. There is no loss more to be regretted for the early history of Rome; and

[7] Lucius Mallius; for this is plainly the right reading instead of Μαμυος. His Dodonean oracle is such a palpable fraud, that Dionysius, who is usually so cautious, cannot be quite honest here. I. 19.

[8] Suetonius, Claud. 25. He produces the letter of the Senate to Seleucus. See below, note 923.

considering the advantages of the imperial dilettante, we may be sure that neither the Etruscan history of Flaccus, nor the work of Cæcina[9], though in every other respect they may have been far better, came near it in historical importance.

Cato's knowing nothing of the Oenotrians is a proof that he had never read even Timæus, much less Antiochus*. Nor can we suppose him to have made any use of Aristotle's *Polities*, which not only embraced Tarentum and other Greek cities in Italy, but must also have treated of some of the Italian nations; nay, one might suspect, even of Rome itself[10]. That this account of the history and constitution of above a hundred and fifty states possest the same excellences which have made Aristotle's writings on natural history immortal, is clear from the fragments that remain, especially those on the Athenian constitution. It may be inferred too from the critical remarks on various governments which occur in the *Politics*. To this master of the learned[11] the criminal laws of Cuma under the Oscans, and a mythical legend about the foundation of a city, were no less attractive than speculations about first causes and final aims, or investigations concerning animal life or poetry: and this wide range of inquiry became the peculiar characteristic of his school.

It was not till late that the name of Italy was given to the whole region comprised within its natural

[9] For our knowledge of both these works we are indebted to the Veronese scholia on the Æneid, x. 183, 198.

* Dionysius, I. 11.

[10] Plutarch, Camill. c. 22. Quaest. Rom. 6. p. 265. b. Dionysius, I. 72. At all events it is an unpardonable piece of negligence in Pliny, who ought to have been familiar with the whole circle of Aristotle's writings, to have omitted him in the list of the Greeks that spoke of Rome prior to Theophrastus. III. 9.

[11] Il maestro di color che sanno. Dante. See Polit. II. 8.

boundaries, the Alps and the sea. That name in the earliest times was a national one in the south; and it was not extended to the more northerly regions, until the Roman sway had united the peninsula into one state, and by colonization and the diffusion of the Latin language had moulded its inhabitants into a single nation. With the exception of a few islands, no country that was divided amongst a variety of nations, however clearly its natural boundaries might be markt out, bore any general name in the early ages of antiquity, until some one people became master of it. Had Asia Minor for instance continued a united state, after Crœsus subdued all the country to the west of the Halys, the name of Lydia would probably have come into use for the whole: as that of Asia did subsequently for the countries which made up the kingdom of Pergamus, and that of Asians for their inhabitants.

Names of countries were always formed by the ancients, as by the German nations afterward, from the name of the inhabitants[12]; and Italia means nothing else than the land of the Itali. Nor is it to be accounted for, except from that spirit of absurdity which always came over even the most sagacious of the Greeks and Romans the moment they meddled with etymology, how any one could stumble on the notion of interpreting that name as though it had belonged originally to the country, because in Tyrrhenian, or in ancient Greek[13], *italos* or *itulos* meant an ox. This was connected by the

[12] Egypt is perhaps the only exception: but its river, which was so called by the Ionians, furnisht an occasion such as did not exist anywhere else.

[13] In the former, according to Apollodorus, Bibl. II. 5. 10.; in the latter, according to Timæus, quoted by Gellius, XI. 1. Hellanicus of Lesbos, as cited by Dionysius, I. 35, merely says, in the language of the country. Tyrrhenian however does not here mean Etruscan, but Pelasgic, as in the Tyrrhenian glosses in Hesychius.

mythologers with the story of Hercules driving the oxen of Geryon through the country[14]. Timæus, in whose days such explanations were no longer accounted satisfactory, found out that the name alluded to the abundance of cattle in Italy[15].

The name of the people was derived by the Greeks from Italus, a king or lawgiver of the Oenotrians. In the Oscan name of the country, Vitellium[16], there is an evident reference to Vitellius, the son of Faunus and of Vitellia, a goddess worshipt in many parts of Italy[17]. This Vitellius is probably the same personage with Italus. If anything is to be divined with regard to the oldest genealogies of those races which were purely Italian, it is that they were traced up to Faunus; that of the Oenotrians through Vitellius, and that of the Latins through Latinus.

According to the Greek accounts the Oenotrians were Italians. Taking the latter name in a wider sense, all the tribes belonging to the same race, the Tyrrhenians, the Siculians, the Latins, were assuredly comprised under it. Hence the surname of Vitulus, borne by a branch of the Mamilian house, as another bore that of Turinus or Tyrrhenus. It was customary, as is proved by the oldest Roman Fasti, for the great houses to take distinguishing surnames from a people with whom

[14] Hellanicus and Apollodorus in the passages just referred to.

[15] Gellius, XI. 1. Piso, who is quoted by Varro de re r. II. 1, borrowed the explanation from the Greeks.

[16] See note 19.

[17] Suetonius, Vitell. 1. This supplied an opportunity for a hieroglyphical representation. The bull with a human face, found on the Campanian coins, and on others of southern Italy, is Italus, or Vitalus. No doubt too it is the same name, Vitulus, under divers forms, that is exprest, though with many variations, by the mysterious Oscan characters on the coins usually ascribed to Paestum (Eckhel Doctr. Num. 1. p. 159.): for nothing can be more flexible than the names of nations in the Italian languages.

they were connected by blood, or by the ties of public hospitality.* As far as this great people spread, who at all events once occupied the whole of the peninsula to the south of the Tiber and Cape Garganus, the country bore the name of Italia, or Vitalia[18]; and this name might easily be preserved, after the ancient races had been destroyed, driven out, or incorporated, by the Oscans and Sabellians. The Romans and Samnites would never have borrowed the name of a forein district, to give it to the land which they inhabited. Had it not been already in use within the country itself, the contest that decided which of the two nations was to rule in the peninsula, would also have determined that it should be called Latium or Samnium.

From the name, Italia, borne by the southern half of the peninsula, the people who settled in it were called Italicans; and this appellation was extended to the other branches of the same stock who took no part in the migration. Hereby they were distinguisht both from the forein tribes in the north of Italy, and from the Romans. Of Italians no mention is made after the downfall of the ancient nation, until very late times; and then all the inhabitants of the peninsula are called so indiscriminately. The Italicans were for the most part Sabellians; and that union amongst them which was grounded on a community of lineage, of language, and of laws, was consummated, with regard to them and all the other inhabitants of the southern peninsula, except the Greeks, by their civil relation to Rome. That the Italicans lookt upon themselves as one people, is evident from the Marsic war. Even before, in the second Punic war, they had acted separately from the Etruscans and Umbrians, who took no part in it. Now however all the citizens of this

* By *προξενία*. See below, note 765.

[18] Vitalia is mentioned by Servius as one among the various names of the country: on Æn. VIII. 328.

Italia were under arms: they called the capital of their confederacy Italica; and its coins are inscribed with the name Italia, or Vitellium[19].

The Greeks, who regarded the Oenotrians alone as Italians, were long strangers to the wider extent in which the name was applied within the country itself, and never used it so. In proportion as the territory of the Oenotrians was represented by legends or by history as having been enlarged or narrowed, they conceived that Italia increast or diminisht. The region which originally bore the name, was, according to them, the peninsula bounded by the isthmus, only twenty miles[20] across, between the Scylletic and the Napetine gulf[21]; where there is a range of low hills connecting the Apennines with that chain of mountains which, running off from Ætna, is rent asunder near Rhegium. In other words, it was the southermost part of what was afterward called Bruttium. Such was the statement of Antiochus, the son of Xenophanes, of Syracuse, who is the writer referred to by Aristotle, in the passage where he quotes the testimony of historians dwelling in Italy. This Antiochus was not indeed a very ancient historian, as he is called by Dionysius[22]: he was contemporary with Herodotus, and probably younger; for he closed his Sicilian history with the year 329, Ol. 89. 2[23]: he was the oldest however among the natives of those parts. It was from him without doubt that Dionysius also learnt that the whole country to the south of Tarentum and

[19] Micali's explanation of the word *Vitelíu* on the Samnite denary coined during the Social War (I. p. 52.) may be regarded as establisht. The analogy of *Latium*, *Samnium*, is followed in *Italium*, *Vitalium*, *Vitellium*: whence *Vitellio*, like *Samnio*.

[20] 160 Stadia, says Strabo, VI. p. 255. a. Aristotle calls it half a day's journey.

[21] Aristotle, Polit. VII. 10. Dionysius, I. 35. Strabo, VI. p. 254. d.

[22] Συγγραφεὺς πάνυ ἀρχαῖος. I. 12.

[23] Diodorus, XII. 71.

Posidonia, when it belonged to the Oenotrians, was called Italia[24]; a fact referred by him to those primitive ages, in the traditions of which the vicissitudes of nations are related as the story of princes bearing their name. For his own days however Antiochus drew a narrower boundary for Italia, by a line to Metapontum from the river Laos, which in aftertimes separated Lucania from Bruttium[25]: for the Lucanians had already prest forward on this side, and made themselves masters of the western coast. Tarentum he places beyond the limits of Italia, in Iapygia. In the same manner Thucydides, who wrote about the year 350, makes a distinction between Iapygia and Italia[26]. Hence the Tarentines were not embraced under the name of Italiots[27]; which however certainly extended as far as Posidonia, and did not stop with Velia. But no Greek before the time of the Macedonian dynasty would have called the Chalcidian colony of Cuma a town of Italy, but of Opica[28]: and thus Latium is called a district of Opica by Aristotle[29].

Still narrower were the limits assigned to Italy in the Triptolemus of Sophocles, where the name was confined

[24] I. 73. Ἦν δὲ τότε Ἰταλία ἡ ἀπὸ Τάραντος ἄχρι Ποσειδωνίας παράλιος.

[25] Strabo, VI. p. 254. d. Ὅριον δ' αὐτῆς ἀποφαίνει πρὸς μὲν τῷ Τυρρηνικῷ πελάγει τὸν Λᾶον ποταμόν· πρὸς δὲ τῷ Σικελικῷ το Μεταπόντιον· Τὴν δὲ Ταραντίνην ἐκτὸς τῆς Ἰταλίας ὀνομάζει, Ἰάπυγας καλῶν. Hence Posidonia and Elea were then beyond the borders of Italy. As Lucania however was not yet become a familiar name, the only way of describing these places was, as situate in Oenotria: and this is the way Herodotus speaks of Elea: I. 167.

[26] VII. 33. Of the great armament under Demosthenes and Eurymedon, he says, κατίσχουσιν ἐς τὰς Χοιράδας νήσους Ἰαπυγίας, καὶ—(ἐκεῖθεν)—ἀφικνοῦνται ἐς Μεταπόντιον τῆς Ἰταλίας.

[27] The seventh Platonic epistle, though it is certainly of a better cast than almost all the others, speaks of Tarentum as in Italy. This is one of the historical proofs on the strength of which I pronounce it without hesitation to be spurious. The passage is in p. 339. d. τῶν ἐκ Σικελίας τε καὶ Ἰταλίας ἑλκόντων—μέ. The former are Dionysius and Archedemus; the latter Archytas καὶ οἱ ἐν Τάραντι.

[28] Thucydides, VI. 4. [29] Referred to by Dionysius, I. 72.

to the eastern coast. Unfortunately Dionysius has contented himself with quoting but three lines from that play[30]. According to the practice of the Greek tragedians, when persons are doomed to distant wanderings, to bring in the gods giving them instructions with regard to their way, the hero of Eleusis receives directions from Ceres, how, following the seashore, he is to convey his blessings into the regions of the west. He is to pass from the promontory of Iapygia, along the coast of Italy, then to make the round of Sicily, and then to return to the continent, and proceed through Oenotria, along the Tyrrhenian gulf, toward Ligystica. The same eastern coast was the Italy "rich in white grain," celebrated by Sophocles in that play[31]. Here was the Siritis so renowned for its fertility among the Greeks, and the plains of Metapontum. That the poet's praise cannot refer, as Pliny understood it, to the rich land of Campania, is clear. Scymnus, a late writer, who, knowing nothing about the state of the world in his own times, compiled a treatise on chorography, the most variable of all sciences, out of antiquated books[32],—whom however we are glad to have, from his standing in their place,—concurs with Sophocles in calling the whole coast from the Faro to Posidonia by the name of Oenotria[33].

The ancient usage was still retained long afterward, at least by the writers at Athens. In the fragment of an account of the way of boxing the compass, as we should call it, attributed to Aristotle, it is said that the Thrakias in Italy and Sicily is called Circas, because it blows from the headland of Circeii[34]. The local names which are there adduced for the same wind, from Thrace, Lesbos, and Megara, shew that it must have been a northwestern: and looking from Calabria and Sicily, the bearing

[30] Dionysius, I. 12.
[31] Pliny, XVIII. 12. 1.
[32] As Raphael Volaterranus did from Pliny and Mela.
[33] Compare v. 243. ff. with 299. ff.
[34] Opusc. min. p. 133. Sylb.

of Circeii may be regarded as pretty nearly the same. Now this fragment, it is true, has no right to the name of Aristotle; for it contains passages which are at variance with what he says in works of unquestionable genuineness[35]. Still it certainly is not older than his time[36]; perhaps, as at least one other book that has found a place among his writings[37], by Theophrastus. The latter preserves the distinction between Latium and Italia[38] in his *History of Plants*, in a passage which seems to have been written no long time after the death of Cassander, in Ol. 120. 3. 455[39].

[35] The Meteorologics, II. 6.

[36] Aristotle died in the year of Rome, 430.

[37] The Economics, the first book, as it is called. This is now establisht from Philodemus.

[38] Hist. Pl. v. 9. *τῶν ἐν τῇ Λατίνῃ καλῶν γινομένων ὑπερβολῇ, καὶ τῶν ἐλατίνων καὶ τῶν πευκίνων, μείζω ταῦτα καὶ καλλίω τῶν Ἰταλικῶν, οὐδὲν γὰρ* (f. *δ' ἄρα*) *εἶναι πρὸς τὰ ἐν τῇ Κύρνῳ.*

[39] In the chapter just cited Theophrastus speaks of the undecireme built by king Demetrius of Cyprian timber. Now Cyprus was lost before the year 458. Pliny places the composition of the whole work about the year 440; being misled by finding the mention of an archon, by whom he supposed that this year was designated. He overlookt the occurrence of several others and later ones. These chronological notices do indeed shew the length of time during which the philosopher continued to incorporate such additions as suggested themselves with his work, which had been composed, though not yet made public: but even the latest of them cannot be regarded as determining the year of the publication. In the year 117.2, he wanted to state that Cyrene had then existed for about 300 years; he named the archon of the day (VI. 3). In like manner he was told of certain natural phenomena, that they had occurred so many years before: all these dates might easily have been accommodated to the year of the publication; but this was quite superfluous. A multitude of other additions must have been made in the same way, which we are unable to detect: they were not appended at the end, but immediately inserted in the work itself. In like manner Aristotle has evidently enlarged his Rhetoric, which in its first sketch was one of his earlier works, with additions till toward the close of his life. Such books, which were kept to be continually workt at, and were communicated to none but disciples, I hold to be those which were

About the same time however king Demetrius wrote to the Romans, that it did not become the people who ruled over Italy, to send out pirates[40]. Yet the country called Italia in the time of Antiochus was still wholly independent of them. That the Tarentines invited Pyrrhus to come into Italy, as Pausanias says they did[41], is a point on which the words used by so late a writer, who assuredly did not weigh their import, cannot be regarded as decisive. Still it is hardly to be doubted. For nearly all Italy, in the extent assigned to it by the Latin usage of those times, was already united under the Romans; and the weaker the Greeks in the cities yet remaining felt themselves as compared with the Italicans, the surer were they to follow them in the name they gave to the country. In this manner that usage was introduced into Greek books, at least from the time of the expedition of Pyrrhus.

That the collection of marvellous stories, which occurs among the writings of Aristotle, cannot be his work,—should there be any to whom the language and spirit of that book do not speak intelligibly enough,—is at all events demonstrated by the mention of Cleonymus and Agathocles. It must have been composed however before the end of the first Punic war; for it speaks of the Carthaginian province in Sicily. Many of these stories, especially those relating to the west of Europe, are clearly borrowed from Timæus, whose history was full of wonderful tales. Now Timæus wrote about or soon after the year 490; and the other work may for the purposes of the present inquiry be considered as of the same age. In this work Italy has a far wider extent. The Sirenusæ, Cuma, and Circeii are expressly said to belong to it. Tyrrhenia on the contrary and the land of the Ombricans are spoken of separately. So that the boundaries

called esoteric. The letter attributed to Alexander, which may perhaps be genuine, agrees very well with this view.

[40] Strabo, v. p. 232. b. Στρατηγεῖν τῆς Ἰταλίας. [41] Attic. c. 12.

of Italy seem at that time, though without any precise line of demarcation, to have stretcht to the Tiber and beyond Picenum[42]: a country large enough to deserve the epithet of *the broad Italy*, as it was called in the epigram of Alcæus the Messenian on the victory of Flamininus in 557. Half a century however before the Marsic war, about 615, the name of Italy was used by Polybius in its widest extent, as reaching to the Alps, comprising Cisalpine Gaul and Venetia; only perhaps to the exclusion of the Italian half of Liguria. That M. Cato in his *Origins* spoke of Etruria and Umbria as parts of Italy, seems to be certain. His treating in the same work concerning the descent of the Ligurians, the Euganeans, and the Alpine tribes, is no proof however that he included them within its limits. For what reason had he to lay down a law for himself, that he would make no inquiries touching the descent of any nation beyond the borders of Italy? or, that if he gained any information about such, he would not admit it into his work?

In the later ages of the Roman empire, when Maximian had transferred the imperial residence to Milan, the name of Italy in the official language was again confined to a narrower compass. Having originally belonged, as has been supposed, to the extreme south, it was now restricted to the north. Italy, in the phraseology of that age, comprised the five annonary provinces, Æmilia, Liguria, Flaminia, Venetia, and Istria[43]. It was from this usage that the kingdom of the Lombards derived its name: and as its limits, though it did not include Istria, stretcht much further southward, there was no arrogance in assuming that name.

[42] This is the view taken by Clemens of Alexandria, when he calls the Tuscans Ἰταλίας γείτονες: Strom. I. p. 306. Timæus too would scarcely have given an etymology for the name of Italy in the history of Pyrrhus, unless it had already become generally prevalent for a considerable range of country.

[43] Jac. Gothofredus ad l. 6. C. Th. XI. 1. de annona et tributis.

Dionysius says, that before the time of Hercules the whole peninsula was by the Greeks called Hesperia or Ausonia, but by the natives Saturnia[44]. I will not stop to censure the folly of determining the chronology of a mythical age on historical grounds. But there was more consistency in the captiousness of the Alexandrian critics, who found fault with Apollonius for speaking of Ausonia during the Argonautic expedition, when that name was derived from a son of Ulysses and Calypso[45]. The name of Hesperia, having an air of antiquity, is frequently used by Roman poets, after the example of lost Greek writers: in those that remain it is exceedingly rare, and in the more ancient never bears a particular reference to Italy. From the inscriptions on the Iliac Table, it seems probable that Stesichorus in his Ἰλίου Πέρσις represented Æneas as setting sail for Hesperia[46]: Agathyllus, as quoted by Dionysius, says *Æneas hastened to Hesperia*[47]: Apollonius speaks of the conveyance of Circe by the god of the sun to the Tyrsenian coast in the Hesperian country[48]. This name however embraced the whole West, as *Hesperia Magna*, as it were a fourth quarter of the world, which included Iberia as well as Italy. Thus we speak of the Levant and Anatolia as parts of the East. But as the tales of the poets about Hesperia almost

[44] I. 35.

[45] Schol. Apoll. IV. 553. This was the derivation commonly received. The poet however might have defended himself; for there was another which deduced Ausonia from Αὐζήν, a name said to have been given to the country by the barbarians. See the Etym. Magn. v. Αὐσόνες.

[46] Αἰνήας (thus) ἀπαίρων εἰς τὴν Ἑσπερίαν. Tychsen Comm. de Q. Smyrnaeo, III. § 11. p. 74.

[47] Αὐτὸς δ' Ἑσπερίην ἔσυτο χθόνα. I. 49. This Agathyllus seems to have belonged to the Alexandrian age. As to the line of Ennius —Est locus, Hesperiam quam mortales perhibebant (read *perhibebunt*)—it is quite as likely to be taken from some Greek poet of his own time, as from one of a better age. In the Anthology we find Hesperia used for Italia; but it is by Agathias.

[48] III. 311. 312.

always related to Italy; and hardly ever to Iberia, this gave rise to the notion, and to the subsequent usage, which identified Hesperia with Italy.

Ausonia was a name extended by the Greeks, like Italia, from a single district to a wider range of country. At first it was synonymous with Opica: and since the name of Opicans was given by the Greeks, before the end of the fourth century of the city, to all the tribes dwelling within the limits assigned to Italy by Timæus, they began in their poetical language to apply the name Ausonia no less widely [49]. This must have been done, by writers now lost, long before the time of Lycophron, by whom, about the year 560, the whole peninsula to the south of Tyrrhenia and Ombrica is called Ausonia [50]. With other writers this is an appellation for the country between the Apennines and the lower sea [51]: and in this last wider sense the name is evidently used by Apollonius (in the time of Ptolemy Euergetes, between 505 and 531) for the whole coast of Italy on the lower sea, even for that of Etruria [52].

[49] In this sense the island of Circe, Ææa, is accounted in Ausonia: Apollodorus, 1. 9. 24. The oracle said to have been delivered to the Chalcidians calls the neighbourhood of Rhegium Αὐσονα χώραν: Diodorus, in the Eclog. de sententiis, p. 11. ed. Maii. This is a proof how recent the forgery must have been.

[50] The Sicilian strait, v. 44; Arpi and Apulia, vv. 592. 615; Opica, properly so called, and the Apennines, v. 702; Oenotria, vv. 922. 1047. That Lycophron considered Tyrrhenia and Ombrica as distinct from Ausonia, is shewn by vv. 1239. 1360. It is true, he calls Agylla Ausonian; but this is before the Tyrrhenians took possession of it: v. 1355. As a general name for Italy, Ausonia is used by Dionysius Periegetes, and frequently in the Anthology, but by no one older than Antipater of Thessalonica. In that worthless poem, the Orphic Argonautics, the *Ausonian islands* must mean Sicily, Sardinia, and Corsica: v. 1255. In the fifth and sixth centuries, to one of which that poem belongs, writers who aimed at elegance sometimes called the Italians of their age Ausonians, even in prose; and in Priscus (Excerpt. de Legat. p. 59. B.) Ausonian seems to be equivalent to *Volgare*, as distinguisht from Latin.

[51] Fest. Epit. v. Ausoniam.

[52] Argon, IV. 553.

The name of Saturnia, said by Dionysius to have been found in the Sibylline oracles,—of which however he can only have been acquainted with the later and forged collection,—may perhaps have been used by the ancient Latins for a part of central Italy, wherein Latium was contained; to what extent however we cannot determine. Hence the name of the Saturnian verses, which were sung in a measure peculiar to these nations. But the traces of this name are so faint, that all we can say with confidence is, it certainly never came into general use for the whole of the peninsula.

Italia and Oenotria, Ausonia or Opica[53], Tyrrhenia, Iapygia, and Ombrica, are appellations derived from the Greek names of the tribes that inhabited the regions called after them on the coast of the peninsula, at the time when Magna Græcia was in its most flourishing state. Such too were the countries enumerated by their chorographers to the south of the Po and to the east of the Macra. The main part of what we know concerning Italy, prior to the time of the Romans, has been handed down to us by the Greeks; and their divisions and views will form the fittest guide for an inquiry which undertakes to collect and throw light on such information as remains with regard to the various tribes of its inhabitants. At the time however when the Greek settlements were formed, neither the Etruscans nor the Sabellians had made their appearance within the sphere of their knowledge. Hence that ancient division of the country makes no mention of them, and has no place for the powerful states which the latter establisht in the land of the ancient Italians and Opicans, under the name of Samnites, Lucanians, and Campanians. In the archeological account of the Italian nations, on which I am now about to enter, they as well as the Etruscans will take their appropriate station.

[53] It was also called Opicia: Thucydides, VI. 4.

The OENOTRIANS and PELASGIANS.

With regard to the origin of the Oenotrians, it was stated by Pherecydes[54], that Oenotrus was one of the twenty sons of Lycaon, and that the Oenotrians were named after him, as the Peucetians on the Ionian gulf were after his brother Peucetius. They emigrated from Arcadia[55], seventeen generations before the Trojan war, with a multitude of Arcadians and other Greeks, who were prest for room at home: and this, says Pausanias[56], is the earliest colony, whether of Greeks or barbarians, of which any recollection has been preserved.

Other genealogers have given different accounts of the number of the Lycaonids. In Pausanias we find twenty-six names; and several have probably dropt out of his text. Apollodorus[57] reckons them at fifty; one of which is wanting in his list. Very few names in the two lists are the same: in Pausanias there is no Peucetius; in Apollodorus neither he nor Oenotrus. But the strangest thing of all is, that, though their names mark them all out as founders of tribes or of cities, the latter mythologer makes them all perish in Deucalion's flood. It is clear, that either by him, or by the author he followed, a legend about certain impious sons of Lycaon, who perhaps were nameless, must have been absurdly mixt up with the tradition which enumerated the towns of Arcadia, and such as were of kindred origin, under the names of their pretended founders.

Nobody will look upon such legends in a historical light: but considered as national pedigrees, like the Mosaical, such genealogies are deserving of attention;

[54] Quoted by Dionysius, I. 13. Compare I. 11.
[55] Dionysius, I. 11.
[56] Arcad. c. 3.
[57] Biblioth. III. 8. 1.

inasmuch as they present views concerning the affinity of nations, which certainly were not inventions of the genealogers, themselves early writers after the scale of our literature, but were taken by them from poems of the same class with the Theogony, or from ancient treatises, or prevalent opinions. That portions of these genealogies are grounded on erroneous suppositions, or at least on accounts only partially understood, is exemplified in the Mosaical; in which races, undeniably belonging to entirely different families, are represented as connected: and I am very willing to allow that those of the Greek mythologers may contain still greater errours. Still when we find them speaking of the Pelasgian nation, they at all events belong to an age when that name and people had nothing of the mystery which they bore in the eyes of the later Greeks; for instance in those of Strabo. Moreover, although the Arcadians had been transformed into Hellens, a very distinct recollection might still be retained of their affinity with the Thesprotians, whose territory contained the oracle of Dodona, as well as of that between these Epirots and other races; which is implied in the common descent of Mænalus and the other Arcadians, as well as of Thesprotus and Oenotrus, from Pelasgus. Nor is this genealogy the only authority we have for calling the Oenotrians Pelasgians. Unexceptionable evidence to the same effect, as strictly historical as the case will admit of, is furnisht by the statement, that the serfs of the Italian Greeks, who must undoubtedly have been Oenotrians, were called Pelasgians[56]. Besides we have other statements of less authenticity, but of very various kinds, which speak of Pelasgians in many different quarters of Italy.

The name of this people, of whom the historical inquirers in the age of Augustus could find no trace among any then subsisting, and about whom so many opinions have been maintained with such confidence of late, is

[56] Stephanus Byz. v. Χῖος.

irksome to the historian, who hates that spurious philology, which raises pretensions to knowledge concerning races so completely buried in oblivion, and is revolting on account of the scandalous nonsense that has been written about imaginary Pelasgic mysteries and lore. Under the influence of this disgust, I refrained in my first edition from speaking generally on the subject of the Pelasgians; more especially as I feared that by doing so I might only be opening a way for a new influx of writings on this unfortunate subject. I wanted to confine myself to such tribes of this nation as are mentioned among the inhabitants of Italy. This however would leave the investigation in a very unsatisfactory state. The object of the one I am now about to commence is merely to make out what Strabo, if he had set his knowledge distinctly before his own mind, might have given as its result.

The Pelasgians were a different nation from the Hellens[59]. Their language was peculiar and not Greek[60]: this assertion however must not be stretcht so far as to imply a difference like that between the Greek and the Illyrian or Thracian. Nations, whose languages were more nearly akin than the Latin and Greek, would still speak so as not to be mutually understood; and this is all that Herodotus was thinking of: who, though he draws such a distinct line between the two nations, yet deviates from all other Greek writers in ranking the Epirots among the Hellens[61]. That there was an essential affinity, notwithstanding the difference, is probable, from the ease with

[59] This distinction between them is made by Herodotus.

[60] Herodotus, I. 57. The Tyrrhenian and Sicilian words found in the glossaries are Pelasgic: but very few of them have escaped being corrupted by the transcribers. The name of Larissa, which was borne by two ancient capitals of the nation, in Thessaly and in Asia, by the citadel of Argos, by a town near the Liris (Dionysius, I. 21), and by many other places, may be regarded as a Pelasgic word.

[61] He speaks of Thesprotia as in Hellas, II. 56; and classes the Molossians among the Hellens, VI. 127.

which so many of the Pelasgian nations ripened into Hellens; as well as from the existence of an element nearly akin to the Greek in the Latin language, the Pelasgic origin of which seems unquestionable. Herodotus says, that in process of time they grew to be accounted Greeks[62]. The Greek theology was derived from the Pelasgians[63]; and the oracle of Dodona belonged to them. Their name was probably a national one[64]: at least the Greek explanations of it are absurd.

As there are animals, of tribes that seem to have belonged to a period of other forms, and to have been left behind as aliens to pine away in an altered world, so the Pelasgians, in the portion of history within the reach of our monuments and legends, appear only in a state of ruin and decay: and this is what renders them so mysterious. The old traditions spoke of them as a race pursued by the heavenly powers with never-ending calamities[65]; and the traces of their abode, which were found in very widely distant regions, gave rise to the fancy, that they had roamed from land to land in the hope of escaping from these afflictions. And whereas the best inheritance which either a nation or an individual can leave, is the memory of what it was, no people has ever been so hardly dealt with in this respect as the Pelasgians. Even Ephorus, early as he lived, seems to have refused them the character of a nation, and to have imagined that the name was merely one assumed by a band of marauders, who had issued from Arcadia, and received accessions from a variety of tribes: whereas, if we view the fable of their wanderings in a different light, and search for the traces of their diffusion, we shall perceive that they are one of the greatest nations of ancient Europe; who in the course of their migrations spread almost as widely as the Celts.

[62] II. 51. ὅθεν περ καὶ Ἕλληνες ἤρξαντο νομισθῆναι.
[63] Herodotus, II. 51. [64] See notes 58 and 96.
[65] Dionysius, I. 17. ἐχρήσατο τύχαις δυσπότμοις.

It is not by an arbitrary fiction, that Æschylus makes king Pelasgus, the son of Palæchthon, boast, that he and his people are masters of the whole country to the west of the Strymon[66]. In early times, when the Carians were still inhabiting the Cyclades, and were even settled along with other barbarous nations in several parts of the continent of Greece, while the Hellens were confined to the northern mountains, the Peloponnesus and the largest part of Hellas belonged to the Pelasgians[67]. This however was only a small portion of the countries that they occupied. Here I may remark, that the way in which the Hellens spread through Greece, was much like that in which the Romans and Latins spread in Italy. Detachments of them settled in the midst of far more numerous communities of a different, though not wholly foreign, nature; and these communities adopted the language and laws of the colonists, with the view of becoming like them. For this must needs be the meaning of the account given by Thucydides, of the manner in which Hellen and his family were invited and received[68]. The invaders, who gave a Dorian character to the inhabitants of the three districts in the Peloponnesus, were much inferior to the old population in number.

The Arcadians, the ancient Argives, and the Ionians, were all of the Pelasgian race; to which it is probable that all the original inhabitants of the Peloponnesus belonged. The people of Attica too are termed Pelasgian Cranai, even before the Ionian immigration. The Bœotians and Locrians on the other hand were not accounted Pelasgians. Thessaly was their second great seat in Hellas, or, as the country was then generally called, in

[66] Suppl. v. 248. That is, of *Oldland*.

[67] Πελασγῶν ἐχόντων τὴν νῦν Ἑλλάδα καλουμένην: Herodotus, VIII. 4. This assertion goes still further, indeed too far; since it excludes the Leleges, Caucones, and other barbarian settlers. Hellas of old was called Pelasgia, says the same author, II. 56. The converse would not hold.

[68] I. 8.

Argos. Hence Thessaly was termed the Pelasgian Argos*; and a part of it retained the name of Pelasgiotis. The hypothesis which supposes the Pelasgians in the centre of Italy to have migrated thither from the East, brings them from Thessaly, as though this were their proper home; and the names Thessalian and Pelasgian are used as equivalent[69]. No change was made in this respect by the migration of the Thessalians, properly so called, from Thesprotia into Aemonia†. For the Thesprotians were Pelasgians. Their progenitor is mentioned in Apollodorus as one of the Lycaonids: according to others Pelasgus after the deluge came into Epirus, and appointed one of his followers king of the Molossians and Thesprotians[70]: the Epirot tribes, says Strabo, are by many called Pelasgians[71]: and Dodona is acknowledged on all sides to have been Pelasgian ground. The Epirots are distinguisht in the most positive manner by Thucydides and other writers from the Greeks, and are expressly termed barbarians: nor is this to be counterbalanced by the indulgence of Polybius, who classes them among the Hellens: though it is true we have here another instance of the ease with which a Pelasgian people was transformed into Greeks. To the Epirots also belonged a variety of races on the northern skirts of the mountains which afterward composed Upper Macedonia, the Orestians, the Pelagonians, the Elimiots[72]: so did those on the opposite border who were subsequently incorporated as barbarian

* Homer Il. II. 681.

[69] Strabo, v. p. 220. d. τῶν Θετταλῶν τις: he is speaking of the Pelasgians at Cære. Cyzicus was said to have been inhabited in early times by Thessalians, Pelasgians, and Tyrrhenians. It was not perceived that these were different names of the same nation; and a story was fabricated, how the Pelasgians were expelled by the Thessalians, and the latter by the Tyrrhenians. Conon, 41: compared with the Scholiast on Apollonius, I. 987 and 948. See notes 114 and 255.

† Herodotus, VII. 176.

[70] Plutarch, Pyrrh. I.

[71] v. p. 221. b.

[72] Strabo, IX. p. 434. d.

tribes with Ætolia when it was enlarged, the Amphilochians, Agræans, and others. The land near the mouth of the Achelous, which flows through the territories or along the borders of the last-mentioned tribes, was occupied in the mythical age by the Teleboans; who are named after one of the Lycaonids, and must be considered as Pelasgians. So must the Dolopians, among whose mountains that river takes its rise: for the Pelasgians who dwelt in Scyrus and Sciathus, are in the former of these islands called Dolopians[73]. The tribes on the Achelous were indeed members of the Amphictyonic league; but this is no proof of their Hellenic origin: for the Thessalians were among the leading Amphictyons; and the main tie in that association was religion, in which the Pelasgians and Hellens agreed[74].

On the north the boundary assigned by Æschylus to the land of the Pelasgians is the Strymon and the Algos; a description which in him must be taken as designed to be geographically correct, whether the river which he calls the Algos be in Illyria or in Macedonia: and thus he includes Macedonia in Pelasgia. When Macedonia had become a great kingdom, the main part of the Macedonian people was made up of Greeks, Illyrians, Pæonians, and Thracians; but the core of the nation was still a peculiar race, which can neither be considered as Greek nor as Illyrian. I hold that this too was Pelasgian, on the authority of Æschylus, and on a variety of grounds. Among the Lycaonids we find a Macednus: in a legendary history, which was probably derived from Theopompus, the subjects of the first king of Macedonia are called Pelasgians[75]: and the Elimiots,

[73] Scymnus, v. 582. Dicæarchus, p. 26. Πελασγία Σκύρος. Plutarch, Cim. c. 8.

[74] Hence even Plato allows his Greek state to adopt religious rites from the Tyrrhenians: (de Legib. v. p. 738. c): that is, not from the Etruscans, but such as proceeded from Samothrace.

[75] Justin, VII. 1.

who according to Strabo were an Epirot, that is, a Pelasgian race, were among the genuine Macedonians[76].

A people of whose descent we have no credible account, the Bottiæans, were dwelling intermixt with the Chalcidians at the beginning of the Peloponnesian war. It is clear that they were not Greeks: nor were they barbarians altogether alien from them, like the neighbouring Thracians. Such a character would of itself induce us to suppose that they must have been Pelasgians; and this presumption is strengthened by our finding that Bottia was the seat of the most ancient Macedonian Pelasgians[77].

With regard to the Tyrrhenian Pelasgians on mount Athos, it may indeed be true that they were merely fugitives from Lemnos*. But Lemnos, Imbrus, and Samothrace, were well-known Pelasgian settlements; and such they continued down to the historical period[78]. The account that the Pelasgians had migrated thither from Athens, does not rest on sufficiently valid authority. Even supposing that we are not justified in rejecting it, still it was probably by a kindred race that they were received; for these regions were overrun by Pelasgian tribes. They were the inhabitants of Lesbos and Chios, before the Greeks took possession of those islands[79]; and, according to Menecrates the Elæan, of the whole coast of Ionia, beginning from Mycale[80], and of Æolis; in Caria, of

[76] Thucydides, II. 99.

[77] In the passage of Justin just cited (VII. 1) I would read *regio Bottia*, instead of *Bœotia*: no mention is made of any various readings: *Pœonia* would be an unwarrantable change. Bottia is the name of the country on the Axius.—This conjecture is now confirmed by the Eclogæ from Diodorus, under the head *De Sententiis*, where (p. 4) the oracle commands Perdiccas, Ἀλλ' ἴθ' ἐπειγόμενος Βοττήϊδα (read Βοττήϊδα) πρὸς πολύμηλον.

* Thucydides, IV. 109.

[78] As to Lemnos and Imbrus no references can be needed: of Samothrace this is stated by Herodotus, II. 51.

[79] Strabo, V. p. 221. b. XIII. p. 621. b. [80] Strabo, XIII. p. 621. b.

Tralles[81]: on the Hellespont two of their towns were still extant in the days of Herodotus[82]: Cyzicus was theirs, until the Milesians made themselves masters of it[83]: and the Macrians, a race of their stock, dwelt on the other side of the same island on the coast facing the Bosporus[84]. No point in the history of the diffusion of nations admits of being made out with greater historical certainty, than appertains to the statements whence this summary has been drawn. I will therefore keep it apart from the opinion, which I state merely as a conjecture, that the Teucrians and Dardanians, Troy and Hector, ought perhaps to be considered as belonging to the Pelasgian race. The seat of these tribes lay between the Pelasgian settlements on the Hellespont and in Æolis. That they were not Phrygians the Greek philologers clearly perceived, and had even a suspicion that they were not barbarians at all. According to the earliest Greek account, Dardanus came from Arcadia, the Pelasgian country, and from Samothrace, the Pelasgian island; according to the one adopted by Virgil,—for assuredly he did not invent it,—from the Tyrrhenian city of Corythus, the capital of those Tyrrhenian Pelasgians, whose wanderings terminated in the islands on the coast of Samothrace[85].

[81] Agathias, II. 17. He must have found this stated in the chronicle which he quotes in speaking of the restoration of the town after the earthquake, when from a Pelasgian it became a Roman settlement.

[82] I. 57. Placia and Scylace.

[83] Schol. Apollon. I. 987. Compare I. 948. Conon, 41.

[84] Apollonius, I. 1024, comp. with 1112.

[85] That Corythus, or the city of Corythus, must mean Cortona, is admitted. The passages proving this are collected in Forcellini; and the one from Silius is decisive. Only it must be remembered that Virgil, after the manner of the later poets, allows himself to use such names with a good deal of latitude. In the mythologers we find mention of a Corythus, who is a Trojan, the son of Paris: Hellanicus, quoted by Parthenius, 34.

The progress of my investigation will bring me back again into these regions: for the present I will shape my course with Æneas through the Ægean sea toward Hesperia. The Macrians on the Hellespont were held to have come from Eubœa, which had anciently been called Macris[86]: in that island too, as in Thessaly, we find the Hestiæans*. Even among the Cyclades, the rest of which, with the exception of some scattered Phenician settlements, had been peopled by Carians, Andrus was a Pelasgian island[87]. The Dryopians of Cythnus also may be regarded as Pelasgians. The tradition of their having dwelt along with several other races in Crete, most probably, as in the case of the Dorians named along with them, refer only to a colony[88].

With regard to Italy, I will begin by reminding the reader that the serfs of the Italian Greeks were called Pelasgians,† and that they must have been Oenotrians: so that the whole Oenotrian population of southern Italy must be admitted to be Pelasgian. In the next place it is attested by a host of authorities, that the Pelasgians were at one time settled on the coast of Etruria. We are even assured by Herodotus, that the same people, a race wholly different from the Etruscans, were in his days still inhabiting a city in the heart of the country. This city Dionysius is certainly right in supposing to be Cortona; that is, the Croton which, according to Hellanicus, was occupied by the Pelasgians, and from which they sent out colonies through Tuscany[89]. Cære too,

[86] Schol. Apollon. I. 1024.

[87] Conon, 41.

[88] See the well-known passage in the Odyssee, τ. 175–7, quoted for this purpose by Strabo, v. p. 221. a.

[89] In his Phoronis, quoted by Dionysius, I. 28. If the reading in our editions of Herodotus was *Croton*, as it is quoted by Dionysius (I. 29), instead of *Creston*, no one would fail to perceive that the two contemporaneous historians are speaking of the same city. Hellanicus derived these Pelasgians from Thessaly: this is clear

* Strabo, IX. p. 437. c.

† Above, note 58.

under the name of Agylla, is uniformly represented as having been a Pelasgian city, before it fell into the hands of the Etruscans: and as the Etruscans left the far greater part of the old population in the countries they subdued, this would fully account for the connexion maintained by that city, which among the Greeks still retained

even from his statement that their kings were descended from Pelasgus and a daughter of Peneus: compare Dionysius, I. 17: and Herodotus expressly says that in ancient times they had dwelt in Thessaliotis. There is not the slightest ground for suspecting Dionysius of having altered the name. It does not seem to have been duly noticed, that there is a great chasm here in that family of the manuscripts of Herodotus, which is incomparably the best (see Wesseling, p. 26. a.). There being no various reading in the bad manuscripts proves nothing: they always agree in favour of an absurdity. Moreover, though there was a tribe of Crestonæans in Thrace, far inland, between the Axius and the Strymon, there was no city of Creston in those parts: and this tribe were Thracians; while the Tyrrhenians on mount Athos, beyond whom they dwelt, were Pelasgians. In Herodotus, on the contrary, the people of Creston are Pelasgians, and the Tyrrhenians to the south of them are a totally different race. On an unbiast consideration, one cannot but perceive that Herodotus adopted the account of Hellanicus about the migration of the Pelasgians out of Thessaly across the Adriatic to Spina and Cortona, and supposed that afterward, being overpowered by the Etruscans, they removed to Athens, himself relating their further wanderings to Lemnos and along the Hellespont. The identity of the language spoken by the Pelasgians on the Hellespont, and by those who staid behind in Etruria, was a perfectly valid argument to prove this. Those of Cortona were the most westerly, those on the Hellespont the most easterly, of all the remaining Pelasgians; and this was a reason for naming these and no others, (ὅσα ἄλλα Πελασγικὰ ἔοντα πολίσματα τὸ οὔνομα μετέβαλε). It has been thought incredible that Herodotus should have compared the language of small places so remote from each other. This difficulty appears to me of no moment. A writer who quotes Egyptian, Scythian, and Persian words, was as well aware of the importance of languages, as we are: this very passage plainly shews that he was anxious to make out what relation the dialects of the East and West bore to each other: the Hellespont he had visited; and natives of Cortona might easily be met with at Thurii. See the Philological Museum, I. 335.

its ancient name, with the Delphic oracle*: even supposing that its conquest by the Etruscans was not subsequent to the settlement of the Phocæans in Cyrnus. The names of Alsium and Pyrgi, towns on the coast dependent on Agylla, bear the stamp of a people more than half Greek. I have already cited a passage where the Agyllæans are termed Thessalians†: the historian who says that Tarquinii was a city of Thessalian origin[90], designates it thereby as Pelasgian. The same holds good, on the opposite coast, of Ravenna, which was said to be a Thessalian settlement[91]. This would be at variance with all history, were it understood in the same sense in which Syracuse and Corcyra were colonies of Corinth: for the Thessalians scarcely toucht the seacoast; and had any colonists been sent out from Pagasæ, they would never have sailed round Malea, and sought out the regions in the interior of the Adriatic. The writer who used this expression, must have been following Hellanicus, who derived all the Pelasgians between Spina and Agylla out of Thessaly; as Pherecydes did those in the south of Italy from Arcadia. Spina, which like Agylla had its treasury at Delphi[92], a city of such antiquity that it was said to have been founded by Diomedes[93], the predecessor of Venice in the dominion over the Adriatic, is termed a Pelasgian city by Dionysius[94]: a statement which is not to lose its credit from being associated with the migration dreamt of by Hellanicus. It was a still worse mistake however, when later writers, forgetting the distinction between the Pelasgians and the Greeks, called it a Hellenic city[95]. Such a statement must always be erroneous with regard to all towns in remote countries, founded before the return of the Heraclids.

* Herodotus, I. 167. Strabo, v. p. 220. c.

† See note 69.

[90] Justin, XX. 1.

[91] Strabo, v. p. 214. b. λέγεται ἡ Ῥ. Θετταλῶν κτίσμα.

[92] Strabo, v. p. 214. a. Pliny, III. 20.

[93] Pliny, III. 20.

[94] I. 18.

[95] Strabo, v. p. 221. a.

It is somewhat surprising to find the Roman poets very often calling the Greeks Pelasgians. This practice of theirs, as we are all familiar with it from the days of our boyhood and of the Æneid, has done more than anything else to establish the notion that the Greeks and the Pelasgians were the same people. I will not try to determine how far it may have arisen from a misconception of the language of the Greek tragic poets, who in fact did not go beyond what they found in the earliest traditions about the Pelasgians at Argos and in Thessaly: the usage of the epic poets, even of the Alexandrian school, no way justifies the Roman. Yet the latter begins as early as with Ennius[96]: which leads me to conjecture that, when the Epirots, the Oenotrians, and the Siculians had amalgamated into one people with the Greeks, it grew the custom in Italy to include the Greeks under the name of the Pelasgians, who were thus united with them.

Scymnus, who here as elsewhere is repeating what he found in Timæus and other earlier writers, says: next to Ligystica, that is, beginning from the Arno, come the settlements of the Pelasgians[97]. The Greeks who are related to have been the founders of Pisa, those Teutons[98] who spoke Greek and dwelt there prior to the Etruscans, must needs have been Pelasgians: and the same thing is implied when Pisa is said to have been founded by Tarchon, the Tyrrhenian.

Tyrrhenia, we are told by Dionysius, was the name by which the Greeks in early times designated the whole of western Italy. He was probably mistaken however in

[96] Cum veter occubuit Priamus sub Marte Pelasgo. In Callimachus (Lavacr. Pall. vv. 4. 51.) Πελασγοὶ and Πελασγιάδες are the citizens and women of Argos.

[97] Scymnus, v. 217. and foll.

[98] Servius on Æneid, x. 179. It seems impossible that this should be the right name. See the text to notes, 362, 228.

asserting that they not only embraced the Latins, but the Umbrians, Ausonians, and many other tribes, under the common appellation of Tyrrhenians[99]. In the historical age the nation peculiarly so called by them were the Etruscans; with whom their colonies in Sicily and Italy were continually forming relations either of war or peace, and whose fame stood high even in Hellas on account of their power, their art, and their wealth. Even before the Macedonian age it may perhaps have been entirely forgotten, that the Etruscans had only obtained the name of Tyrrhenians, from having conquered Tyrrhenia, and become the masters of those Tyrrhenians who had not quitted their homes; and that the ancient traditions about the Tyrrhenians were no way connected with the Etruscans. In like manner it is imagined by many persons to this day, that the Dalmatians of the Sclavonic race, being commonly called Illyrians, are descended from the ancient Illyrian population of the same regions, and consequently that the latter were a Sclavonic people; an errour which, where it has once gained a footing, it is useless to combat with the circumstantial evidence afforded by the history of national migrations.

This confusion gave rise to two opinions, alike untenable and groundless, on the origin of the Etruscans. Dionysius with sound judgement contends against them both. According to the one,—which was supported by the story of the Tyrsenians, related by Herodotus just as he had heard it among the Ionians, but perhaps without any notion of applying it to the Etruscans,—they were a Lydian race, who were conducted to Italy by Tyrrhenus, the son of Atys. According to the other they were Pelasgians. This last opinion has struck root so deep,—it is so convenient for those who are wont to treat of the Etruscan language without either critical or grammatical knowledge,—that it is not likely to be entirely

[99] Dionysius, i. 25. 29.

extirpated; unless the most brilliant discovery of our days, the explanation of the hieroglyphics, should be followed by, what there is much less ground to hope for, that of the Etruscan language.

The illusion, by which the ancients themselves were misled, is no ordinary one. It was evidently the custom at the time of the Peloponnesian war, to call the old Pelasgian inhabitants of Lemnos and Imbrus, Tyrsenians[100] and Tyrsenian Pelasgians. Thucydides does so, without the slightest intention of displaying his learning. Now the Argives are also called Tyrsenian Pelasgians by Sophocles in the Inachus[1]. This was coupled with the story told by Hellanicus[2], that the Pelasgians, on being driven out of Thessaly[3] by the Hellens, crost the Adriatic and landed in the river of Spina, at the mouth of the Po, and from thence spread into Tyrrhenia and settled there. To this account, and the conclusions drawn from it, Dionysius in a spirit of intelligent criticism objects, that the Etruscans had not the remotest resemblance in language and laws to the Greeks or the Pelasgians, any more than to the Lydians, and that their national traditions represented them as a primitive race. It is a pity, he did not go a step further, and make use of the information he possest, to explain the origin of the mistake.

For, as we know from Dionysius himself, it was related by Myrsilus of Lesbos, that the Tyrrhenians, in the hope of escaping from the public calamities with which they were chastised by heaven, because among other tithes they had not offered up that of their children[4], quitted their homes, and continued roaming about for a long time before they again settled in a fixt abode; that those who

[100] Is there any instance of the form Τυῤῥηνὸς instead of Τυρσηνὸς in any writer, whether prosaist or poet, anterior to Plato?

[1] Dionysius, 1. 25.
[2] Dionysius, 1. 28.
[3] Dionysius, 1. 17.
[4] Dionysius, 1. 23.

saw them thus going forth and returning back, gave them the name of *Pelargi*, or *storks*; and that they dwelt for a while in Attica, and there built the Pelasgian wall round the Acropolis[105]. This account, as Dionysius himself remarks, is just the reverse of the one given by Hellanicus. There is one thing however that he could not be struck by, as we are on surveying an infinitely greater number of traditions,—namely, that this inversion of a story into its opposite is a characteristic of legendary history[6]. The etymology, whether invented or only retailed by Myrsilus, sounds childish enough. Yet we can easily see how it arose out of the notion that these Pelasgians, who came into Greece from a remote forein land, must have been a totally different people from the primitive Greek race, and that no circumstance

[105] Dionysius, I. 28.

[6] Since a clear insight into the nature of these inversions will preserve us from a number of stumbling-blocks in the field of legendary history, and turn statements, which seem to militate against evident truths, into testimonies in their favour, it may be useful to promote such an insight by a few examples of very different kinds. The Argo sailed between the floating rocks, which separated the sea frequented by the Greek mariners from that beyond the reach of their navigation, according to one legend under the name of Cyaneæ in the east, according to another under that of Planctæ in the west of the earth. Thera is the mother-city of Cyrene in Libya: and the island of Thera is formed out of the clod given to Euphemus by the Libyan god Triton. One story makes Gillus, a Tarentine, ransom certain Persian captives in Italy, and send them to the Persian king: another makes the captives Samians, who were in captivity under the Persian king, and one of whom, Pythagoras, is sent by Gillus into Italy. (See Bentley on the age of Pythagoras: where with a glance he rebukes the absurdity of trying to employ such materials as the groundwork for a couple of stories.) The tradition in Wittekind of Corvey, that the Saxons came into Germany across the sea, originated in like manner out of their voyage to Britain. And in the sixteenth century we find the novel of Shylock related as an actual fact: only it is a Christian, whose diabolical inexorableness toward a Jew is frustrated by the sentence of that sagacious judge, Sixtus V.

could be too fortuitous to account for their bearing the same name[107].

A wandering people, called Pelasgians, had obtained settlements in Attica at the foot of Hymettus, after the Dorian migration[8], on condition of performing taskwork for the state[9]. They came last out of Bœotia, having some time before conquered that country in concert with the Thracians from the Cadmeans, who had now returned from Arne[10]. But their first appearance had been in Acarnania: and all that Pausanias could learn about their extraction, was that they were Sicelians[11]. That is, so runs the story, they came from the south of Etruria, where their king Maleotes[12] had resided in the neighbourhood of Graviscæ. At all events they must undoubtedly have called themselves Tyrrhenians[13]. This name remained with their descendants, who abode for a long time in Lemnos and Imbrus, and are said to have driven out the Minyæ[14] from thence. Afterward, being compelled

[107] The same interpretation of the name occurred in the Atthids: Strabo, v. p. 221. d. Others made it allude to white linen clothes: Etymol. M. v. Πελαργικὸν. Such explanations however always refer to these Tyrrhenians: the name of the primitive Greek Pelasgians is constantly derived from the ancestor of the race.

[8] Velleius, I. 3. Strabo, IX. p. 401. d.

[9] Herodotus, VI. 137. Pausanias, Attic. c. 28.

[10] Strabo, IX. p. 401. d. [11] Attic. c. 28.

[12] Strabo, v. p. 225. d. My object here is merely to make out the notion which prevailed among the Greeks, when they had collected their legends in order to form a history out of them, and which guided the writers followed by Dionysius. Else those Sicelians certainly did not come from so far. See the text to note 168.

[13] Callimachus, quoted by the Scholiast on Aristophanes, Av. 832. Τυρσηνῶν τείχισμα Πελασγικόν. Other passages are cited in Cluver's Italia Antiqua, pp. 428, 429. The way in which traditions are confounded, is illustrated by Polyænus, VII. 40. He relates the very same story of the Tyrrhenians who were driven from Lemnos by the Athenians, and of their wives, which Herodotus tells as having happened to the Minyæ 600 years before: IV. 146.

[14] The Minyæ too were Thessalians and Pelasgians. No one

by the Athenians to emigrate anew, they shaped their course, some to the Hellespont[115], some to the coast of Thrace and the peninsula of mount Athos. Hence Thucydides says, that Athos was inhabited by a Pelasgian race, the Tyrrhenians, who had previously been settled in Attica and in Lemnos[16]. These were the only people known at that time in southern Hellas as Pelasgians, the Pelasgic extraction of the Epirots and of all the other neighbouring tribes having been forgotten. But as they went no less generally by the name of Tyrrhenians, we cannot be surprised that Sophocles, from whom no one will look for historical precision, applied the two names jointly, as the common property of the whole nation, to the primitive Pelasgians of Apia. It is just such a mistake as if a person were to call the Cimbrians and Gauls under Brennus and Acichorius Welsh Cymri and Irish Gaels.

In the tradition which Aristoxenus followed, Pythagoras was termed a Tyrrhenian from one of the islands from which that people had been driven by the Athenians[17]; that is to say, either from Lemnos or Imbrus. These Tyrrhenians of the Ægean sea however extended much further; on the Hellespont as far as Cyzicus[18]. The Tyrrhenian pirates in the Bacchic fable are not Etruscans, nor are they Lemnians, but Meonians or Lydians[19]: and that the Meonians were Pelasgians is proved by the name of the stronghold Larissa, which we find amongst

can seriously hold them to be the descendants of the Argonauts and of the subjects of Hypsipyle. I suspect that, as in the instance of Cyzicus mentioned in note 69, their expulsion was a mere fabrication, arising out of the story, whether true or false, about the migration of the Tyrrhenians from Athens to these islands.

[115] Herodotus, I. 57.

[16] IV. 109.

[17] Diogenes Laertius, VIII. 1.

[18] Conon, 41.

[19] Acoetes is *Tyrrhena gente*, Ovid Metam. III. 576; *patria, Maeonia est*, 583. The *Tusca urbe* of Lycabas too, v. 624, must unquestionably mean a Lydian city.

them, as in every country inhabited by the Pelasgians[120]. And now we get an explanation of the strange story of the Lydian colony. Before the Pelasgian and Etruscan Tyrrhenians were confounded, one of those forms of legendary narrative, in which one pole is continually shifting into its opposite, derived the Tyrrhenians on the Tiber from those in Meonia, as another brought them from Lemnos and Imbrus[21]; whereas the converse, as I have stated it above, was the opinion commonly adopted. Moreover there was an account which jumbled everything together, making the Pelasgians migrate from Thessaly to Lydia, from thence to Tyrrhenia; and again leave Tyrrhenia[22], and go to Athens, and subsequently to Lemnos.

It is to the Pelasgian Tyrrhenians, not to the Etruscans, that we must apply the lines in which Hesiod speaks of Agrius and Latinus as reigning over all the renowned Tyrrhenians[23]: and if we keep this distinction in view, a new light is shed over the history of the countries on the coast of the Tyrrhenian sea: for from the Tiber to the borders of Oenotria we find the settlements, not of the Etruscans, but of the Tyrrhenians.

In a history of the origin of Florence[24], compiled, perhaps even before the time of Charlemagne, from strange popular legends and poetical sources, the subjects of

[120] Strabo, XIII. p. 620. d.

[21] Such was the account given by Anticlides; nay, he combined an emigration from Lydia under Tyrrhenus with one from Lemnos: Strabo, v. p. 221. d.

[22] Plutarch, Romul. c. 2.

[23] Hesiod, Theogon. v. 1011-15. But what are the *sacred islands* spoken of in this passage?

[24] The original Latin is preserved in manuscript; and an Italian version of it is inserted in the chronicle which bears the name of Malispini; where the Turini occur, in c. 9. One of the most inexplicable questions is the connexion which no one can mistake between the name of Fæsula and the 60th fragment of Hesiod.

Turnus, the Ardeates, are called Turini; that is, Tyrrheni. The same name presents itself in that of Turnus, and of the shepherd Tyrrhus[125], and was borne without any change by a family of the Mamilian house. Ardea is designated as a Pelasgian city by Virgil, when he terms it an Argive one founded by Danae[26]. If Ardea be admitted to be a Tyrrhenian city, the legend which represents Saguntum as a colony of the Ardeates[27], would extend the spreading of the Pelasgians as far as Spain: where the ancient capital, Tarraco, has also been considered as a Tyrrhenian city[28], it may be only from its name, yet perhaps not without reason.

Virgil, whose catalogue of the army of Turnus is composed with great judgement and learning, makes his kingdom reach from the Tiber to Terracina. On this coast we find Antium, which the Greeks, by one of their usual personifications, said had been founded by a son of Circe, and brother to the founder of Ardea and Rome[29]: and Circeii must be considered to have been originally a town of the Tyrrhenians, over the whole of which nation the son of the goddess ruled. Terracina is said to have been a Latin form for Trachina[30]. Lower down the coast, on the Liris, and in its neighbourhood, stood several cities, Amunclæ, Hormiæ, Sinuessa[31], the names of which, as it is very

[125] The old Latin form of this name must have been *Turrus* or *Turus*: in Greek he is also called Τυρρηνός.

[26] Æn. VII. 410. comp. 371, and Pliny, III. 9. Appian calls the Rutulians Tyrrhenians: I. 22.

[27] Livy, XXI. 7. It seems certain that the Saguntines were not a pure Iberian race.

[28] Anton. Augustinus De numis, dial. 7. p. 94. b.

[29] Dionysius, I. 72. [30] Strabo, v. p. 233. a.

[31] The authorities in favour of Sinope will not stand against those for Σινόεσσα. Amyclæ may not improbably be the same name as Amunclæ (Salmasius on Solinus, p. 60. b.); and the name may have served to designate two similar sites at the foot of Taygetus and of Massicus. This name however exercised a considerable influence on

improbable that they were purely Greek colonies, lead us to infer that they were Pelasgian. Off the coast were the islands called Pontiæ; and inland we find the Pelasgian fort, Larissa *. Of Herculanum and Pompeii we are told by Strabo, that they were founded by Pelasgians and Tyrrhenians[132]: of Marcina, near Salernum, that it was a Tyrrhenian city, which had afterward been occupied by the Samnites[33]. The Tyrrhenians mentioned in these passages have always been regarded as Etruscans: but that they were Italian Pelasgians is further indicated by the existence of a temple to the Argive Juno in the neighbourhood of Salernum; a sanctuary of such antiquity that it was ascribed to Jason[34]. This is a mark of Pelasgic and not of Etruscan religion. In like manner the worship of the same Juno was retained at Falerii under the soverainty of its Æquian citizens, ever since the time of the Siculians, as the Tyrrhenians were called by the Romans[35].

Capreæ, according to Virgil, was inhabited by the Teleboans[36], who are clast by the old genealogy among the Lycaonids and the Pelasgians[37]; and the Sarrastians of Nuceria were said by Conon to have been Pelasgians and other emigrants from the Peloponnesus[38]. His account of their settlement is of the same value with all the others which aim at accounting for the presence of that nation in parts so remote from Greece.

Thus we find a line of Tyrrhenian settlements along

the notions entertained about the settlements on this coast. Amyclæ, it was thought, must have been founded by the Lacedemonians: hence their pretended colony near Anxur; and, when the Sabines and Pelasgians had been confounded, the assertion that the former were Lacedemonians.

* See above, note 60.

[132] v. p. 247. a.
[33] v. p. 251. b.
[34] Pliny, III. 9.
[35] Dionysius, I. 21.
[36] Æn. VII. 735.
[37] See p. 31.
[38] Servius on Æn. VII. 738.

the whole coast of the sea, which for this reason bore their name [139], from Pisa down to the borders of the Oenotrians, whose Pelasgic origin needs no further proof. I will now return to the Tiber, to the peculiar field of Roman history; and here too we may make out that the Pelasgians were the earliest inhabitants.

The Roman writers related that the first people who inhabited the banks of the lower Tiber, were the Siculians; who had settled at Tibur, Falerii, and a number of little towns in the neighbourhood of Rome. The same people are also called Argives by them, just as Argos was termed a Pelasgian city; and hence it is that Tibur and Falerii are said to have been Argive colonies. The original inhabitants of Latium, as such, went also by the name of Aborigines. These, according to Cato and C. Sempronius, were Achæans, and settled in these parts many generations before the Trojan war: so that they were assumed to have emigrated in those early times from the Peloponnesus [40]. But *Achæans* was another of the Pelasgic names for the inhabitants of the country afterward called Hellas. These Siculians, or Argives, or Tyrrhenians,—whichever name one chooses to give them,—were subdued by a forein people, who came down from the mountains of the Abruzzo. The name of these conquerors, who afterward became one people with the conquered, and were called Latins, was forgotten: Varro by an extraordinary piece of carelessness called these the Aborigines; and Dionysius in following him lost himself in a labyrinth. He pieced together statements of the most discordant kind, the accounts given by Roman chronicles with those of Hellanicus and Myrsilus; and thus represented the Sicelians * as barbarians, and as the ene-

[139] Hence Sophocles, in the passage quoted above (in note 30), called the gulf the Tyrrhenian; and the sea retained that name.

[40] Dionysius, I. 11.

* The selfsame people are called *Siculians* or *Siceliens* in the

mies of the Pelasgians and Aborigines: whereas he ought to have perceived that these were only three names for the same people, and that too, the very thing he wisht, a race akin to the Greeks.

This subjugation of the Sicelians in Latium, and in the countries to the south of it, in consequence of which a portion of them left their homes, was regarded as the cause of their emigrating under the name of Tyrrhenians to the eastern parts of Greece, and of their crossing over into Sicily. This was represented as the flight of Sicelus from Rome to Morges, the king of Italia[141]. To determine the date of this event chronologically is quite out of the question: it matters not to us, that Philistus placed it eighty years before the Trojan war, and Thucydides, probably following Antiochus, two centuries later[42]. I shall return hereafter to this event, which is the earliest of any authority in the history of Italy.* This however is the place to remark that Sikelus and Italus, as is proved by many instances of similar changes in words, are the same name[43]. When the Locrians first settled in Italy, they found Sicelians at the foot of mount Zephyrium[44]. The same people were still there, in the southermost part of Calabria, during the Peloponnesian war. Thucydides calls the Italietes of Antiochus Sicelians, and their king Italus[45]. Morges, whom Antiochus

text, according as the authority referred to is a Latin writer or a Greek: for the Romans called the Σικελοὶ *Siculi*.

[141] Dionysius, I. 73.

[42] That is to say, 300 years before the first Greek settlement in Sicily: VI. 2. The statement of Philistus is found in Dionysius, I. 22.

* See the section on the Aborigines and the Latins.

[43] The relation between *Vitalus* and *Sitalus* would be like that between Σελλὸς and Ἕλλην (Aristotle, Meteorol. I. 14. p. 33. Sylb.): T and K are interchanged, as in *Latinus* and *Lakinius*.

[44] Polybius, XIII. 5.

[45] Thucydides, VI. 2. The reading Ἀρκάδων, which is retained by Duker, must owe its origin to the notion that the Oenotrians had come out of Arcadia.

terms king of the Oenotrians, is styled King of Sicilia in a tradition which was evidently of very great antiquity[146]: and, to make it clear that this name embraced the whole of the Italy inhabited by the Oenotrians in its widest range, Siris is represented as his daughter. In a tradition preserved by Servius[47], Italus king of the Siculians was said to have led his subjects from Sicily to Latium; another example of the inversions so common in legends, to which I may henceforward deem it superfluous to direct the reader's attention. It is enough that this story is a new proof that the Oenotrians and the Sicilian Tyrrhenians were the same nation,—that of the Italians, in the full extent given to the name by the natives of the peninsula.

The Pelasgian tribes on the coast, as might have been expected, are often mentioned by the Greeks: but their poets and genealogers had seldom occasion to speak of the interior. Nevertheless, as the existence of a people akin to the Greeks has been ascertained from the names of places on the coast of the lower sea near the Liris, in like manner we are led by similar traces in the interior to conclude, that the territory between the two seas had also been inhabited by the same nation, until they were overpowered or driven out by the forein tribes of the Opicans and Sabellians. Such traces are furnisht by the names of Acherontia, Telesia, Argyrippa, Sipontum, Maleventum, Grumentum[148]: and the whole country over which these places are scattered, from sea to sea, must have been called Italia by the natives.

[146] Etymolog. M. v. Σίρις: probably after Timæus: Athenæus, XII. p. 523. e.

[47] On Æn. I. 2. 533.

[48] In the south of Italy and Sicily, the Greek names of the third declension in ας and ους, of the masculine gender, were usually changed in Latin into neuters of the second declension in *entum*, formed from the genitive. This form is said to have belonged to the Ætolian dialect; only here the termination was ωντος, and therefore

Hellanicus, we must suppose, knew of no other Pelasgians on the Adriatic, than those of Spina; or he would never have brought them into Tuscany by so circuitous a road. But in accounts of the highest authority we meet with Pelasgians along the whole coast from the Aternus to the Po. Picenum, according to tradition, had been in their hands, before it was occupied by the Sabellian colony[149]. Pliny states, doubtless on the authority of Cato, that, before the time of the Umbrians, the Siculians had been masters of the coast on which the Senones settled in the fifth century of Rome,—where Ravenna, which is called a Thessalian city *, stood,—and that they had likewise possest the districts of Prætutium, Palma, and Adria[50]. It must have been this Hadria probably, and not the very recent colony founded by Dionysius, that was clast by Trogus among the towns of Greek origin in Italy[51]. In its neighbourhood stood Cupra, called by Strabo a Tyrrhenian city[52]; which must also refer, not to the Etruscans, but to the ancient Tyrrhenians. On the coast of the Gallic part of Picenum was Pisaurum, the Greek coins of which shew that its inhabitants were not Umbrians or Sabellians. They may have been a Greek settlement from Ancona; or they may also have been Tyrrhenians and Siculians, who had maintained their independence.

masculine (Salmasius on Solinus, p. 46. b.); and the change is analogous to that in the modern Greek nominative. Thus *Acragas*, *Turas*, *Pyxus*, became *Agrigentum*, *Turentum*, *Buxentum*; and so on. That *Maleventum* or *Maloentum*, in the country afterward called Samnium, would in pure Greek have been *Maloeis* or *Malus*, was perceived by Salmasius: and I think I am not mistaken in supposing *Grumentum*, the name of a place on the highest part of the Lucanian hills, to be Κρυμόεις. The same character is discernible in Laurentum.

[149] Ante, ut fama docet, tellus possessa Pelasgis: Silius, VIII. 445.

* See note 91.

[50] III. 19.

[51] Justin, XX. 1.

[52] V. p. 241. b.

Pliny further says, that together with the Siculians the Liburnians had inhabited the coast of Picenum, and that a Liburnian city called Truentum had continued in existence amid all the changes of the population[153]. Not however that it can have retained its distinct character down to the time of Pliny: this can only have been visible to Cato, whose words Pliny transcribed, without thinking what he was saying. Hence it would seem as if both sides of the Adriatic had been inhabited by the Illyrians: and there would be nothing surprising in this, whether we suppose them to have come across the gulf from one coast to the opposite, or to have been settled in this manner from very early times. But that most accurate and trustworthy writer, Scylax, draws an express line of distinction between the Liburnians on the eastern coast and the Illyrians[54], as a totally different race: and the name of Truentum has the Pelasgic form, which I have already spoken of[55]. At the time when our historical accounts of these coasts begin, the Liburnians were very widely spread. Corcyra, before the Greeks took possession of it, was peopled by them[56]: so was Issa, and the neighbouring islands[57]. Thus they form a link between the Pelasgians of Epirus and those on the Italian coast of the Adriatic; themselves,—I will hazard the conjecture,—a Pelasgian race. In fact, long before the time when our history happens to commence, the face of Europe had been changed by migrations no way inferior in power, or as to the swarms that took part in them, to those which gave rise to the

[153] III. 18, 19.

[54] Peripl. p. 7. Μετὰ δὲ Λιβυρνους εἰσὶν Ἰλλύριοι ἔθνος, καὶ παροικοῦσιν οἱ Ἰλλύριοι παρὰ θάλατταν μέχρι Χαονίας τῆς κατὰ Κέρκυραν.

[55] Note 148.

[56] Strabo, VI. p. 269. d.

[57] Scholiast on Apollonius, IV. 564. Of their extension northward I shall speak lower down: see notes 503-505.

later revolutions in the destinies of mankind. Such a movement of countless hosts, of which no recollection would have remained, but for an incidental mention of it by Herodotus, without any indication of its date, was the expedition of the Illyrian Encheleans, who seem to have penetrated into the heart of Greece, and even to have sackt Delphi [158]. I conceive that this must refer to a migration of the whole Illyrian people from remote northern regions: and I incline to think that the earlier Pelasgian population in Dalmatia, which was overpowered by them, was not quite exterminated. We read of Pelagonians on this coast *: an Epirot race of the same name occurs on the confines of Macedonia and Thessaly: and when we are told that the Hylli were Greeks who had been barbarized †, the reasonable presumption is, that they were a branch of the Pelasgians, and not of the remote Hellens, who did not become powerful and numerous till late.

Herodotus, whose statement as to the Teucrian origin of the Pæonians on the Strymon is not more vague than others of his on similar points, must certainly have conceived that they had remained behind there during the march of the Teucrians and Mysians, prior to the Trojan war, when these nations overran the countries down to the Ionian sea [59]. They unquestionably were neither Thracians nor Illyrians; and so there is no family with which we have better grounds for connecting these Pæonians on the Strymon, than with that of the Macedonians and Bottiæans. On the other hand it is doubtful whether the later Greeks were justified in considering the Pannonians as Pæonians. With regard to this

[158] Herodotus, IX. 43. Compare Euripides, Bacch. 1333, and Musgrave's note.

* Strabo, VII. p. 326. c. † Scymnus, vv. 407-410.

[59] V. 13. VII. 20. 75. From the catalogue in the Iliad, the supremacy of Troy must have extended over Thrace, and beyond the Strymon, as far as mount Olympus.

point however I may remark, that the Pannonians must have had a great facility for acquiring the Latin language; since under Augustus, but a short time after they became subject to Rome, it was generally diffused amongst them [160]. In the same manner the Wallachian tongue arose in Pæonia and upper Macedonia, and in the territory of the Epirot tribes on the borders of Thessaly; while the Illyrians retained the Schypian.

I will here close my account of these researches; for I feel that, the greater the extent they assign to the Pelasgians, the more scruples will they raise. I will reserve the statements I have collected concerning Iapygia, of the same kind with those hitherto brought forward, until I come to speak of that country; where the Peucetians, like the Oenotrians in the southwest, were derived by Pherecydes from Pelasgus: the traditions too of Illyrian immigrations seem to refer to a Liburnian population. I am now standing at the goal, from which a survey may be taken of the circle where I have ascertained the existence of Pelasgian tribes, not as vagrant gypsies, but firmly settled, as powerful, respectable nations, in a period for the most part prior to our historical knowledge of Greece. It is not as a mere hypothesis, but with a full historical conviction, that I assert, there was a time when the Pelasgians, then perhaps more widely spread than any other people in Europe, extended from the Po and the Arno almost to the Bosporus. The line of their possessions was broken however in Thrace; so that the chain between the Tyrrhenians of Asia and the Pelasgians of Argos was only kept up by the isles in the north of the Ægean.

But in the days of the genealogers and of Hellanicus, all that was left of this immense race, were solitary, detacht, widely scattered remnants, such as those of the

[160] Velleius, II. 110. In omnibus Pannoniis non disciplinae tantummodo sed linguae quoque notitia Romanae.

Celtic tribes in Spain; like mountain-peaks that tower as islands, where floods have turned the plains into a sea. Like those Celts, they were conceived to be, not fragments of a great people, but settlements formed by colonizing or emigration, in the same manner as those of the Greeks which lay similarly dispersed. This being once assumed as certain, — and, when the vast original magnitude and extent of the nation had been forgotten, this notion naturally suggested itself,— it seemed to be a supposition consistent with all the circumstances and relations of the case, that the Tyrrhenians at Cortona should have come from Spina at the mouth of the Po. The account given by Hellanicus however has not the slightest historical value; no more so than the fables about the expeditions of Odin and the Asæ from the Tanais into Scandinavia.

Pherecydes had not the same grounds, which justified Hellanicus in the case of the insulated Pelasgians at Spina and Cortona, for assuming that the Oenotrians and Peucetians, to whom he should also have added the Sicelians in Sicily, were emigrants from Hellas. The fallacy which deluded him, was the same which is still so prevalent, that all the tribes of a common stock must have sprung by ever-widening ramifications from a single root. This fallacy escaped detection among the ancients, owing perhaps to their believing that there were a number of originally different races of men. They who deny such a plurality, and mount up to a single pair of ancestors, must devise a miracle to account for the diversities in the bodily structure of different races; while they cling to that of the confusion of tongues, as a solution for the diversities in such languages as are radically and essentially distinct. In the assumption of such miracles there is nothing contrary to reason. As the ruins of a former world manifestly shew that, before the present order of things, another must have existed, it is certainly conceivable that the present order should at one time have

undergone a material change, without being totally interrupted. The offender against reason is he who would distort the laws of experience, that, regardless of truth, he may maintain the conceivableness of what directly contradicts them. What reason requires us to acknowledge, is, that the origin of things lies in every case beyond the sphere of our conceptions, which comprehend only their development and progress: and accordingly the historical inquirer should confine himself to going backward from one step of time to another. In doing so he will frequently find tribes of the same stock, that is, having the same peculiarities of character and language, on opposite coasts of the same sea; as for instance the Pelasgians in Greece, in Epirus, and in the south of Italy. Yet this no way justifies him in assuming that one of these regions was the original home, from which a part of the inhabitants emigrated to the other. In like manner we find the Iberians on the islands of the Mediterranean, the Celts in Gaul and in Britain. This is analogous to the geography of the animal and vegetable kingdoms; the great circles of which are separated by mountains, but enclose narrow seas[161].

The further we look back into antiquity, the richer, the more distinct, and the more broadly markt, do we find the dialects of great languages. They subsist one beside the other, with the same character of originality, and just as if they were different tongues. The notion that there was a universal German or a universal Greek language in

[161] The author of a remark by which prejudices are irritated, must guard it against misconstructions. I am far from meaning to assert that those extensive seats of the Pelasgians were their original country from the beginning of the human race. However high we may mount toward that epoch, the annals of the Egyptians and Babylonians would not fill up more than a small part of the inscrutable period during which nations must have been in no less active collision than in after times. I am only protesting against conclusions drawn from an assumption which is utterly groundless.

the beginning, is purely ideal. It is only when the dialects, after having been gradually impoverisht and enfeebled, become extinct, and when reading grows to be general, that a common language arises. The sole way in which corrupt forms of languages ever spring up, is where the whole population of a country, or at least large masses of people, for instance of slaves imported in swarms, are compelled to adopt a forein one. In like manner do we find new forms arising in the animal world: and these may deviate further from the type whence they came, than other kinds which are originally different.

In a rich family of languages one dialect will be more remote than another, until it rather deserves the name of a sister tongue: and this may be the case without its containing any essentially forein element. But, as we find transitions in the works of nature, so do we find them in man with regard to languages. In many we perceive marks of an affinity to two others, which may be entirely different, especially in their roots: and when this is the case, without our discovering any certain traces of violent alteration in the forms of the words, it is illogical to assume that such a language must be a new one produced by the intermixture of the other two. Sometimes too we may look in vain for a language, to which the forein element, whence it receives its peculiar character, can belong.

Thus two languages may in some points be nearly akin, in others altogether alien. Such is the relation between the Sclavonic and the Lithuanian; and perhaps also between the Gaelic and the Welsh. In this manner the Persian is connected with the Sclavonic in many of its forms and roots. In Latin there are two elements mixt up together; one of them connected with the Greek, the other entirely forein to it. But even in the former the difference is no less evident than the affinity: and just so was it with the Pelasgians and Greeks as races. Hence the latter, notwithstanding their affinity, might look

on the former as foreiners, and call their language a barbarous one[162].

The people whom the Greeks, and, it may be, they alone, called the Oenotrians, dwelt in Bruttium and Lucania. For, before the irruption of the Sabellians, the west coast also as far as Posidonia belonged to Oenotria[63]: here Elea was founded by the Phocæans[64]: off this coast too lay the Oenotrid islands*. We find mention of two distinct tribes here; the Italietes, in the southermost peninsula; the Chonians to the north, above the isthmus, stretching up as far as Iapygia. The former are said to have been a pastoral race, until they were induced, long before the age of Minos, by Italus, a powerful, wise, and heroic prince, partly by persuasion and partly by constraint, to apply to agriculture, and to submit to laws. Being thus moulded into a new people, they named themselves and their territory after him. By his laws *syssitia* were establisht, or public meals for the men, to which each furnisht his prescribed share. This custom, with some other laws ascribed to Italus, was preserved down to a very late period, as long as any remains of the nation were to be found[65].

[162] Aristotle says (Meteorolog. I. 14.), that the Hellens were called Γραῖκοι, when they were inhabiting the highest mountain-land of Epirus; and that name, we know, was used by Callimachus, and by Alexander the Ætolian. The school to which these poets belonged, was fond of hunting for rare words to adorn their diction: in Latin however the name of *Graeci* was not imported out of books, but was in use from time immemorial together with *Graii*; the latter being in early ages the prevalent form. It was the common practice in old Latin for nations to have several names; a simple one, and derivatives from it; like *Graii* and *Graici*. Aristotle's account was probably derived from the Epirot Λόγιοι, and the name must have been a Pelasgic one. In this way it came to the Romans; and we can easily understand how an Ætolian happened to use it.

[63] Dionysius, I. 73. Scymnus Chius, v. 243, 244.

[64] Ἐκτήσαντο πόλιν γῆς τῆς Οἰνωτρίης ταύτην ἥτις νῦν Ὑέλη καλέεται. Herodotus, I. 167.

* Pliny, III. 7.

[65] Aristotle, Polit. VII. 10; Dionysius, I. 35; both of them

The story in which the Italietes are represented as splitting into two hostile tribes, the Sicelians and the Morgetes, is nothing but a mythical way of recording, that the former, who were a powerful people in their own island, were descended and had separated from the Oenotrians. In early times the name of the Sicelians, as I have already remarkt[166], was equivalent to that of the Italians. It comprehended the Chonians also[67], and thus corresponded entirely to that of the Oenotrians. Nay, it extended across the Ionian sea, amongst the Epirots; where Echetus, who ruled at Bucheta[68], is called king of the Sicelians. In the passages of the Odyssee, where this name occurs, it seems to refer to the Epirots[69]. Thus we get a solution for the origin of those Tyrrhenians who migrated to Athens, in the mention of their having come out of Acarnania. Not that they had sailed from the Tiber, and halted there: they were Pelasgians from Epirus. At the time represented in the catalogue of the Greek army before Troy, that people were still masters of this country, which, like Thesprotia, did not yet form part of Greece.

That the Epirots and Oenotrians were branches of the same nation, is a fact of which further evidence is supplied by the geographical names, and that surer than such arguments are usually. In Aristotle's account of the Oenotrians, the reading, before it was altered by Victorius, was not *Chones*, but *Chaones*[70]: and whatever may

following Antiochus. Aristotle adds, that these laws were still in force (καὶ νῦν ἔτι), which sounds strange: it is scarcely possible that there should have been any Oenotrians governed by their own laws in the fifth century.

[166] See above, p. 47. note 143.

[67] According to an ancient fable, which calls Siris the daughter of Morges, and her husband Scindus: Etymol. M. v. Σίρις.

[68] Scholiast on the Odyssee, Σ. 85.

[69] I have proved this in the Rhenish Museum, I. p. 256.

[70] It is owing solely to the learning of Demetrius Chalcocondy-

have been the way in which the name of that extinct race was spelt by Aristotle, it was assuredly the same on both coasts of the Ionian sea. So the Molossian king Alexander found to his ruin, that there was a Pandosia and a river Acheron in Oenotria as well as in Thesprotia*.

This Pandosia had been the seat of the Oenotrian kings[171]. The name of the town of Chone, in the territory of Crotona[72], is a proof that the whole of Oenotria to the north of the isthmus was included in Chonia or Chone[73]. But there were also Chonians in the Siritis and at Polieum, whom the Ionians, when driven from Colophon by the Lydians, found there; and whom, being perhaps rendered ferocious by their misfortunes, they inhumanly slaughtered[74]. The taking of Colophon can only be dated somewhere about the 25th Olympiad, the year of Rome 75[75]: and the Ionian city of Siris was founded soon after. The dominion over its rich plains was for many years the subject of a feud between Tarentum

las, that we find this emendation anticipated in his manuscript. In Strabo also, XIV. p. 654. d, we find *Chaonia*, instead of *Chone* or *Chonia*.

* Livy, VIII. 24.

[171] Strabo, VI. p. 256. b.

[72] Strabo, VI. p. 254. b.

[73] Casaubon on Strabo, p. 255.

[74] Strabo, VI. p. 264. b. compared with Athenæus, XII. p. 523. c. (where ἐκβληθέντες should be inserted after Κολοφωνίων), and with Aristotle, Polit. VII. 10.

[75] In the reign of Gyges: who, according to Herodotus, supposing the date of the fall of Sardes to be determinate, reigned from Ol. 15. 3 to 25. 1: according to Eusebius, from Ol. 20. 2 to 29. 1. The latter statement seems to rest on the authority of Apollodorus: as I conclude, among other reasons, from finding that Eusebius speaks of Archilochus, the contemporary of Gyges, under the last-mentioned Olympiad, while Nepos, who followed Apollodorus, makes him flourish in the reign of Tullus Hostilius. (See Gellius, XVII. 21.) The praise bestowed by Archilochus on the Siritis (in Athenæus, XII. p. 523. d.) was occasioned by the success of the Ionian settlement, beyond the reach of the barbarian conquerors.

and Sybaris: for these states at the highth of their power still kept up the hereditary hatred which prevailed between the Dorians and Achæans. To exclude Tarentum from the Siritis, the Sybarites procured the founding of Metapontum. About the date of this event we have no information. Hence it is only by conjecture, but without risk of going far wrong, that we can place the wars of the Metapontines against Tarentum and the Oenotrians of the interior[176], at the close of which the former ceded a portion of their territory, about the middle of the second century. At that time independent Oenotrians were still to be found. Subsequently however far the larger part of the country, afterward called Lucania, must have been subject to Sybaris. The statement indeed that she had three hundred thousand citizens, is at least uncertain; although, supposing that number to comprise all who had the rights of isopolity, it is not to be rejected as impossible; like that which assigns the same number to the army she sent against the Crotoniats. There is no ground however for entertaining any doubt with regard to the four nations and five and twenty cities said to have been subject to her[77]: and her founding Posidonia and Laus on the Lower Sea shews that her dominions reacht from coast to coast; these colonies being evidently designed to protect her frontiers. In like manner Croton founded Terina on the same sea, Locri founded Hipponium and Medma. This is the period to which we must refer the general bondage of the Pelasgians[78],— that is, of the Oenotrians in the immediate territory of the cities,— under the various Italico-Greek states, not under Sybaris alone: although in several districts it certainly lasted much longer. Many thousands however fared

[176] Πολεμοῦνταs πρὸs τοὺs Ταραντίνουs καὶ τοὺs ὑπερκειμένουs Οἰνωτρούs. Strabo, VI. p. 265. a.

[77] Strabo, VI. p. 263. b. [78] Above, p. 26, and n. 58.

better: for vast numbers were admitted to the rights of citizenship[179]. This is the only way of explaining how Sybaris and Croton could have inhabitants enough to fill a range of walls, a very small portion of which would have sufficed for the descendants of the first setlers: and of this plebeian population the main part must have been natives of the country, chiefly Pelasgians.

Whether the whole of the Sybarite territory fell under the power of Croton, is not known; nor how long the latter maintained the predominance she had acquired. Her most flourishing condition does not seem to have lasted long; and when she too had fallen from her eminence, a part of her subjects may have recovered their freedom. When Antiochus however stated that Italy was bounded by the Laus and Metapontum, in 329, the Oenotrians to the west of that line had already been subdued by the Lucanians: but they were not expelled[80]; and so this coast, though no longer accounted a part of Italy, was still called Oenotria[81]. The age of national migrations was past: the conquerors found it more profitable to have tributary subjects, than to buy herds of slaves: and that the main part of the inhabitants in Lucania did not belong to the ruling Sabellian race, is proved by the small number of the Lucanians in the census taken in the Cisalpine war[82]. We may conjecture that Antiochus, like Aristotle[83], spoke of the Chonians as an extinct race. Not however that they had been extirpated by the inhumanity of the ruling Greek cities on the west coast of the Tarentine gulf. The cause of their disappearance was, that they sank into a state of villanage,

[179] Diodorus, XII. 9.

[80] As Strabo erroneously words it: τῶν Σαυνιτῶν αὐξηθέντων ἐπὶ πολὺ, καὶ τοὺς Οἰνωτροὺς ἐκβαλόντων. VI. p. 253. b.

[81] Above, p 18. n. 33.

[82] 30000 foot and 3000 horse: Polybius, II. 24.

[83] Polit. VII. 10. ἦσαν καὶ οἱ Χῶνες Οἰνωτροὶ τὸ γένος.

without even forming independent townships, and adopted the language and habits of the Greeks[184]: as was the case, under far less oppressive circumstances, with their kinsmen, the Sicelians in Sicily[85], and with the Epirots; whom Polybius accounts among the Greeks, although he makes a distinction between the Greeks and the wild tribes of the Ætolian mountains.

The facility with which these Pelasgian tribes were moulded into Greeks, was a characteristic of their race, and a main cause of their dissolution and extinction. It is natural to look upon this as resulting from the original affinity between the two races, which nevertheless were essentially different; and so I believe it did. We may observe however, that the Greek language and national character often exercised a magical power over foreign races that came in contact with them, even where there can have been no such affinity. The inhabitants of Asia Minor began to be hellenized from the time of the Macedonian conquest, though very few genuine Greeks settled amongst them. Antioch, though the common people spoke a barbarous language, became altogether a Greek city; and the entire transformation of the Syrians was averted only by their Oriental inflexibility. Nay, the Albanians, who have settled as colonies in modern Greece, have adopted the Romaic language by the side of their own, and in several places have forgotten the latter. In this way alone were the immortal Suliotes Greeks; and even the noble Hydriotes, whose destruction we shall perhaps have to deplore before the publication of this volume, are Albanian setlers.

The growth of this numerous Greek population in Oenotria affords a justification for the name of Magna Græcia. That the change was complete, is proved by the fact that the Bruttians spoke Greek, though the

[184] Pandosia, the ancient residence of the Oenotrian kings, is called a Greek city in the time of Philip: Scylax, p. 4.

[85] Diodorus, v. 6.

Oscan language had also been introduced*. The Romans lookt upon them so much in the light of foreiners, that their fighting men, like those of the Greek cities, are omitted in the enumeration of the Italian forces for the Cisalpine war. Calabria, like Sicily, continued to be a Greek country, though the Romans planted colonies on the coasts. The Greek language did not begin to give way there till the fourteenth century: it is known to have prevailed not three hundred years since at Rossano, and no doubt much more extensively; for our knowledge of the fact as to that little town is merely accidental. Nay, at this day there is a population that speaks Greek remaining in the neighbourhood of Locri[186].

At the time of the Peloponnesian war there were Sicelians still existing in the southermost parts of Italy[87]: and they must have formed distinct communities, even though they may have been dependent on more powerful states; since they still preserved their *syssitia*, and other hereditary institutions[88]. I refer this statement to the time of Antiochus: ninety years later, when Aristotle wrote, it seems quite out of the question. It is true, some twenty years before, the southern half of Lucania, which in those days extended to Rhegium[89], had separated itself, and formed an independent people: and the

* See note 310.

[186] Of this fact, which is stated doubtfully in several books of travels, I have been assured by the Neapolitan minister, Count Zurlo; whose learning precludes the possibility of his having confounded the natives with the Albanian colonies. I am glad to seize this opportunity of adorning my account of the nations belonging to the golden age of Italy, with the name of a man, whom the shades of the ancient Samnites would rejoice in as their worthy descendant, the last survivor of that intellectual prime of Naples, which, after blooming for a century, was extinguisht in blood in 1799. May he accept this acknowledgement of my veneration!

[87] Thucydides, VI. 2. [88] Aristotle, Polit. VII. 10.

[89] This extent is ascribed to it by Scylax.

name of revolted slaves [190], which the insurgents accepted as a term of defiance, authorizes us in rejecting the silly tale that they were Lucanian youths, who had been exasperated by hard treatment, and in looking for their origin to the ancient serfs; in supposing that the remnants of the Oenotrian population, being strengthened by an accession of Oscan freebooters, after the power of the Greek cities had been broken by the Lucanians, had recovered their freedom. But this was a new epoch: the Bruttians arose as a new people, and were little likely to retain any primitive institutions.

When the Roman arms reacht these parts, there was no people in Magna Græcia except the Lucanians, Bruttians, and Greeks. The Oenotrians were known solely to the learned, and in the writings of the Italian Greeks.

[190] Bruttians: Strabo, VI. p. 255. b. Diodorus, XVI. 15.

THE OPICANS AND AUSONIANS.

THE country between Oenotria and Tyrrhenia was called Opica or Ausonia by the Greeks. Aristotle says: bordering on the Oenotrians, toward Tyrrhenia, dwelt the Opicans, formerly and to this day known by the additional name of Ausonians[91]. He does not confine their country to Campania; for he terms Latium a district of Opica[92]. Cuma in Opica was distinguisht by that adjunct from the one in Æolis. Nola was called an Ausonian city by Hecatæus[93]: by others it would be called an Opican one. The south-east boundary may be regarded as indeterminate, and may have been enlarged with the conquests of the Samnites in Oenotria. There is also an indeterminateness in the Roman account, that Ausonia was once the name of the country between the Apennines and the lower sea[94]. Strabo's statement that Temesa, which lay so far to the south, and from which the Greeks of the Homeric age drew their copper[95], was founded by the Ausonians[96], seems to rest solely on a misunderstanding of the word used by an Alexandrian poet[97].

The notion that Aristotle speaks of the territory occupied by the Ausonians in the earliest times as extending down to the Silarus, is an errour founded on an inaccuracy of expression. If we carry a line along

[91] Polit. VII. 10.

[92] Ἐλθεῖν (τῶν Ἀχαιῶν τινας μετὰ τὴν Ἰλίου ἅλωσιν) εἰς τον τόπον τοῦτον τῆς Ὁπικῆς ὃς καλεῖται Λάτιον, ἐπὶ τῷ Τυῤῥηνικῷ πελάγει κείμενος. Dionysius, I. 72.

[93] Stephanus Byz. v. Νῶλα.

[94] Fest. Epit. v. Ausoniam.

[95] Odyssee, *a*. 184.

[96] Strabo, VI. p. 255. c.

[97] See above, p. 23. n. 49.

mount Garganus and the ridge of hills which forms the northern border to the valley of Beneventum, and prolong it to the Vulturnus, between Telesia and Allifæ, the whole coast and country to the south of this line belonged to the Tyrrhenians and Italians, long after the establishment of the Greek settlements in Italy. Hence the territory of the Opicans contained only the northern districts of Samnium[198]: and a tradition was preserved, that the land about Cales and Beneventum was the first country called Ausonia[99].

Aristotle tells us that *Opican* was the general name of the nation, *Ausonian* the particular name for a branch of it[200]. In this passage again he unquestionably had Antiochus before him: which explains in what sense we are to understand the statement quoted by Strabo from the latter, that the Ausonians and Opicans were the same people[1]. It is a frequent source of the most perplexing confusion with regard to the ages of legendary history, that many nations in early times consisted of several tribes, which are sometimes spoken of under their own name, sometimes under the common one. Thus, when one story talkt of Pelasgians, another of Sicelians or Tyrrhenians, as the inhabitants of a country, it was generally supposed even among the ancients that these were two distinct races, which had dwelt there either together or successively. In like manner Polybius speaks of the Opicans and Ausonians as two different nations, inhabiting the coast round the bay of Naples[2]: for no one is endowed with every gift; and that historian, who

[198] Strabo, v. p. 250. b.

[99] Fest. Epit. v. Ausoniam. Maluentum however, having originally been an Italian town, must be regarded as a conquest.

[200] Ὀπικοὶ, *τὴν ἐπωνυμίαν* Αὔσονες *κληθέντες*. Polit. VII. 10.

[1] v. p. 242. c. Ἀντίοχος *φησὶ τὴν χώραν ταύτην* Ὀπικοὺς *οἰκῆσαι, τούτους δὲ καὶ* Αὔσονας *καλεῖσθαι*.

[2] Strabo, proceeding in the passage just cited: Πολύβιος δ' *ἐμφαίνει δύο ἔθνη νομίζων ταῦτα.* Ὀπικοὺς *γάρ φησι καὶ* Αὔσονας *οἰκεῖν τὴν χώραν ταύτην περὶ τὸν* Κρατῆρα.

so excellent with regard to the period immediately before his view, is of no authority on points of primitive history, which he took no interest in investigating. In like manner Strabo distinguishes the Ausonians from the Oscans, making the former the earlier inhabitants of Campania, the latter a tribe that occupied the country after them [203]. A writer, whom he quotes without mentioning his name, carries the erroneous subdivision still further, speaking of Opicans, Ausonians, and Oscans, as having inhabited Campania in succession: then he brings in the Cumans, after them the Tyrrhenians, and finally makes these subdued by the Samnites [4]. The Oscans Strabo considers as extinct, and calls the Sidicines a branch of them [5]; thus seeming to apply that name, so far as he has any clear view on the matter, to those Ausonian tribes who continued unmixt with the Samnites. He may have been led to do this from finding the Samnites and other Sabellians called Opicans by Greek authors [6]. This able writer may have thought it convenient to get rid of an ambiguity by borrowing the Latin form, giving it a definite meaning, and allowing the Greek form to retain that which had crept into it. For surely he can scarcely have been ignorant that *Opicus*, *Opscus*, and *Oscus*, are the same name, as is expressly remarkt by Roman grammarians [7]. The first form was the only

[203] v. p. 232. d. p. 233. a.

[4] Strabo, v. p. 242. c. Ἄλλοι δὲ λέγουσιν, οἰκούντων Ὀπικῶν πρότερον, καὶ Αὐσόνων οἱ δ' ἐκείνους (read σὺν ἐκείνοις), κατασχεῖν ὕστερον Ὄσκων τι ἔθνος, τούτους δ' ὑπο Κυμαίων, ἐκείνους δ' ὑπὸ Τυρρηνῶν ἐκπεσεῖν—(τούτους δὲ Καπύης) παραχωρῆσαι Σαννίταις.

[5] v. p. 237. c. Ὄσκοι, Καμπάνων ἔθνος ἐκλελοιπός· and p. 233. a. τῶν Ὄσκων ἐκλελοιπότων.

[6] After the authority of the younger Dionysius was subverted, there seemed to be a danger of the whole island's falling into the hands of the Phenicians, or of the Opicans: Epist. Plat. VIII. p. 353. d. These Opicans must be the Sabellian mercenaries, who somewhat later were called Mamertines and Campanians. The armies of the Greek states in Sicily consisted chiefly of these troops.

[7] Festus, v. Oscum. In omnibus fere antiquis commentariis scribitur Opicus pro Osco.

one adopted by the Greeks; and the last became the prevalent one in Latin. It is true, he ought then to have called the people who dwelt in Samnium before the Sabellians, Oscans, not Opicans[208]: this however is a piece of forgetfulness that the most accurate writer may fall into.

The name of the Opicans was associated by the Greeks, from its being borne by their ferocious mercenaries, with the notion of savage barbarians. Even the Romans, as the kinsmen of the Mamertines, were designated by them with this name of dishonour, as late as in the time of Cato:* although, when seeking for favour or protection, they were zealous in maintaining that the Samnites were sprung from the Lacedemonians, the Romans from the Arcadians.

But if the Opicans, who were driven out by the Samnites, were the same people as the Oscans, it is singular that the language of the conquerors and of the tribes that issued from them, should be called Oscan.[9] Supposing however that the Oscans, who remained in their own country, were far more numerous than their conquerors, theirs might become the prevailing language, in a mixt, if not in a pure state; even if they were a race that differed entirely in stock and speech from the Sabellians. Thus the Italian was very soon adopted by the descendants of the Lombards. History for centuries speaks only of the Lombards in the north of Italy, though they were merely a small part of the population: but we never hear of a Lombard language. That a mixture had taken place, is expressly asserted by Varro, at

[208] v. p. 250. b. ἐν τῇ τῶν Ὀπικῶν—ἐκβαλόντες ἐκείνους

* Pliny, XXII. 1.

[9] Livy, X. 20. To spy out the movements of the Samnite army, they send men who are *gnari Oscae linguae*. To cite proofs that the language of the Campanians was Oscan, would be superfluous. The Oscan spoken by the Bruttians (Fest. Epit. v. bilingues Brutates) can only have come to them from the Sabellians.

the very time when he is speaking of the Sabine and Oscan languages as completely distinct[210]. He is not a witness however from whose words we can be justified in concluding that there was no affinity between the two[11].

The Oscan was spread over the whole south of Italy, even down into Bruttium and Messapia; where Ennius, who spoke both Oscan and Greek as his mother tongues, was born. Its dialects must have differed greatly: for, beside the old Ausonians, it was spoken by nations in whom not only the Sabellians but the Oenotrians also were grafted on the Oscan stock. Such dialectic varieties must be exhibited by the inscriptions in this language which have been preserved in various parts.

The Oscan language however is by no means an inexplicable mystery like the Etruscan. Had a single book in it been preserved, we should be perfectly able to decipher it out of itself. Of the inscriptions, some may be made out word for word, others in part at least, with complete certainty, and without any violence. In them we discover that other element which is mixt up with the Greek part of the Latin language: and the forms are such as appear in Latin, with the loss of some of their syllables and terminations, as is wont to happen in languages when they intermix and grow old. Grammatical forms and inflexions are also common, which in Latin appear but rarely and as exceptions. Since we are able to make out this language, it is no way surprising that plays in it were perfectly intelligible to the Romans: nothing was wanting but a little practice.[12]

[210] Sabina usque radices in Oscam linguam egit: De L. L. VI. 3. p. 86.

[11] *Hirpus* meant a *wolf* in the Samnite (Festus, v. Irpini); and so it did in the Æquian: Pliny, VII. 2; Solinus, p. II. b. Compare note 231.

[12] In investigations so multifarious and extensive as this history requires, it is cheering to find competent persons ready to relieve us, by carrying on some of those which do not immediately concern the

I now return to the Ausonians, whom on the testimony of Antiochus we must consider as a branch of the Oscan nation. Their name has a sound quite foreign to Italy, which it acquired in the mouth of the Greeks. The native form must have been *Auruni;* for this is clearly the theme from which *Aurunci*[213] is derived: and we do not need the opinion of Dion Cassius and Servius, to establish that the Ausonians and Auruncians were one people[14]. They dwelt in the same country in which Livy tells us that the last Ausonians were destroyed. Their town of Cales was taken in 419; and three others belonging to them on the lower Liris were razed in 440 in an unprovoked war of extermination*. The cause of his calling them Ausonians in these passages, and not Auruncians, must have been, that in this part of his history it is almost certain he had the books of Dionysius before him; and he copied from them without consideration. Hence too about the same period we find him talking of the Messapians†, when, according to Latin usage, he should have called them the Sallentines.

Among the cities of the Auruncians, we know of Suessa, which lay in the heart of the territory of those Ausonians. As to the mention which we find of them long before, soon after the expulsion of the Tarquins, it is clear that in the old annals the Volscians were also called Auruncians, and that it was only the later historians who took them for two different nations[15].

main object of the work. I am very glad to forgo the intention I before announced, of giving a view of the Oscan language from its remains, since that task has been undertaken by Professor Klenze.

[213] *Auruncus* is *Aurunicus:* see note 244.

[14] Dion Cassius, fr. IV. p. 4. ed. Reim. Servius on Æn. VII. 727. Festus, v. Ausoniam, calls the mythical hero, Auson, the founder of Suessa Aurunca: that is to say, the Auruncians were Ausonians.

* VIII. 16. IX. 25. † VIII. 24.

[15] The war in which Pometia and Cora suffered such terrible punishment for their revolt, is told by Livy twice over; under the

This agrees with what we find in Scylax, who embraces the inhabitants of the whole coast for a day's journey[216] to the south of Circeii, that is, as far as the Vulturnus, where in history we meet with Volscians, Ausonians, and Auruncians, under the name of the first. For the name *Olsi* in the Periplus[17] is no errour: it is *Volsi*, without the digamma: from this came *Volsici*, which was then contracted into *Volsci*. The *Volscentes* or *Volcentes*, a people whom we only find mentioned in one place, along with the Lucanians[18], were probably a branch of the same nation; that is, ancient Opicans driven southward by the Sabellian immigration, but who had maintained their independence among the Lucanians. Their name is a remarkable instance of the almost endless variations to which those of the Italians were subject[19]. Thus came the form

year 251 of the Auruncians, and of the Volscians under the year 259. Ἀργυρούσκων, in Strabo, v. p 231, in the list of the ancient inhabitants of Latium, is an errour of the copiers for Αὐρούγκων.

[216] Which he states at 500 stadia in p. 30: unless φ ought to be changed into ψ.

[17] Ὀλσοί. 3.

[18] Livy, XXVII. 15.

[19] It is a peculiarity of the Latin language, that from the simple original name of a nation, which often seems to have been one with the name of its ἀρχηγέτης, derivatives were formed, and from these again new ones by composition or contraction; all which were used without any additional meaning in the same sense as the simple one. The latter seldom continued current; and in the case of no one people do we meet with all the derivative forms: but by collecting the different ones that occur, we may obtain a complete view of their analogy. The simple forms were *Aequus*, *Volsus*, *Italus*, *Umber*. The first class of derivatives end in *icus* (*sicus* is shortened into *scus*), *ulus*, *anus* or *inus* and *unus*: *Hernicus*, *Opicus*, *Italicus*, Ὀμβρικὸς, *Graecus*, instead of *Graicus*,—*Volscus*, *Tuscus*, *Etruscus*,—*Siculus*, *Apulus*, Αἰκλος, *Rutulus*, *Romulus*, as a national name, *Poenulus*—*Romanus*, *Campanus*, *Lucanus*, Αἰκανὸς, *Sabinus*, *Latinus*, *Aurunus*. The compound inflexions end in *iculus*; *Aequiculus*, *Volsculus*, *Poeciculus*, *Saticulus*, *Graeculus*:—*Sabellus* comes from *Sabulus*, like *ocellus* from *oculus*;—in *icinus*; *Sidicinus*;—in *unicus*; *Auruncus*. *Tuscanicus* is at least used as an adjective. The terminations *anus*, *inus*, *enus*, were contracted into

Volusci, which the Greeks took to designate the Volscians: and I have no doubt that the *Elisyci* or *Helisyci*, mentioned by Herodotus as one of the tribes among which the Carthaginians levied troops to attack Sicily in the time of Gelon [220], were the Volscians. Hecatæus indeed had called the Helisyci a Ligurian tribe [21]: this however can only be taken in a very vague sense; as some of the Greeks, Dionysius tells us, reckoned the Romans, and Philistus the Sicelians, among the Ligurians: for Herodotus speaks of the Helisyci, as well as of the Iberians and Celts, alongside of the Ligurians.

The language of the Volscians is spoken of as distinct from the Oscan [22]; that is, from the dialect so called in the districts under the Sabellians: and the language on the plate in which the name of Velitræ seems to occur, is different from that on other monuments. But the origin of that plate is far too uncertain, for us to pronounce positively that the inscription is Volscian.

ans, ins, ens, or *as, is, es,* and then followed the inflexions of the third declension: from *Romanus* came *Romas*, from *Lucanus Lucas*, (the genitive plurals *Romanom* and *Lucanom* are found on coins; and the elephant was called *bos Lucas*); from *Campanus Campas* (Plautus, Trinum. II. 4. 143), from *Bruttanus Bruttas*, from *Picenus Picens*. *Samnis* in the same way comes from *Samninus*,—which is derived from *Samnium*,—like *Antias*, and like *Tiburs* from *Tiburnus*. *Ulus* in these adjectives is never a diminutive syllable, no more so in *Graeculus* than in *Hispallus*, from *Hispanulus:* that secondary meaning was not affixt to it till late. Now as no change was made in the name by these terminations, the *Siculi* in Latium might also be called *Sicani:* a form which Virgil must unquestionably have met with, and which he made use of with the view of restricting the other name to the islanders. To the class of terminations in *as* belongs Ἰταλίηται (Dionysius, I. 12); and even Ἑλλην from Σελλός. The form of proper names in ης with the genitive in ηντος is ascribed by Herodian to the ancient language of the Siculians: Bekker, Anecdot. p. 1390: this would give Ἰταλίηντος, like *Antiatis, Brutatis, Samnitis.*

[220] VII. 165. [21] Stephanus Byz. v. Ἑλισύκοι.

[22] By the comic poet Titinius, quoted by Festus, v. Oscum: Osce et Volsce fabulantur; nam Latine nesciunt.

Bordering on the Auruncians of Cales, and belonging to the same race, we find the Sidicines of Teanum, whom Strabo expressly calls Oscans[23], and somewhat further the Saticulians on the Vulturnus[24]. Both names are derivatives, from the simpler ones *Sidici* and *Satici*, which, when we thus trace them back, we perceive to be cognate words.

In Roman history the Volscians are almost inseparable from the Æquians[25], who are described as a very ancient people, of great power, and formidable enemies to Rome[26]. They were a race of mountaineers, hardened by the chase, making frequent predatory inroads on their neighbours[27]. When their power was at its highest, their territory extended as far as mount Algidus, between Tusculum, Velitræ, and the towns of the Hernicans, and down to the Fucine lake. The fortress on that lake taken by the Romans in the year 347, which is called a Volscian one[28], must undoubtedly have belonged to the Æquians. The Faliscans too by mount Soracte, in whose name that of the Volscians is clearly discernible, were Æquians[29]. The Ausonians however did not make up the whole population of Falerii and its subject towns. It was by the descendants of the Pelasgians that the worship of the Argive Juno with her peculiar rites was kept up there[30]; although it may

[23] v. p. 237. c.

[24] Virgil, Æneid VII. 729. Saticulus asper. In history we hear only of their town Saticulum.

[25] The derivative forms *Aequanus* and *Aequulus* are preserved in the Greek Αἰκανὸς and Αἰκλος: of *Aequiculus* we find instances in Latin. *Aequicula*, as a masculine nominative, is an erroneous form, and ought to be expunged from the dictionaries: in Virgil, VII. 747, *Aequicula* agrees with *gens*. No less erroneous is the form *Aequicoli*.

[26] Livy, I. 37. Cicero de Rep. II. 20: Magnam gentem et ferocem et rebus populi Romani imminentem.

[27] Virgil, Æn. VII. 747–749.

[28] Livy, IV. 57.

Aequosque Faliscos, Virgil, VII. 695, and Servius.

[29] Dionysius, I. 21.

perhaps have been adopted by the conquerors. A word belonging to the Faliscan dialect has been preserved; and this word was also found in the Samnite [231].

In such words as the Oscan has in common with the Latin, we often find *p* substituted for *qu*; as *pid* for *quid*, and the like. Hence it may be regarded as certain that the name *Aequi* contains the radical syllable of the names *Opici* and *Apuli*, according to the Latin way of expressing it. For the Apulians, properly so called, were Opicans, whose name, after they conquered the Daunians, was given to the country they occupied.

After the manner of all national migrations, the Opicans, in the country between the Tiber and the Adriatic, being themselves prest forward by the Sabellians, threw themselves upon the Italians, on whom throughout this whole extent they bordered, and overpowered them. Many of these submitted: others left their homes: and thus in the oldest traditions of the Italian Greeks it was related that the Sicelians who crost over into Sicily, had been driven from their abodes by the Opicans [232]. Here again the Sicelians are the same people with the Italians: and it was only because a recollection of the Sicelians as dwelling on the Tiber had been preserved, that this migration was ascribed to them. This remotest branch of the nation is the very last which is likely to have taken part, at least in any considerable numbers, in such an expedition. It is more probable that the emigrants came out of Campania, which in earlier times was unquestionably peopled by the Pelasgians, and afterward so entirely by the Oscans, as to shew that the previous population must have quitted their homes.

It was an opinion universally received in the age of Augustus, that Campania, until it was conquered by the Samnites, had been subject to the Etruscans; and that Capua, under the name of Vulturnum, was the earliest

[231] *Hirpus*; see note 211.

[232] Dionysius, i. 22.

city, and Nola one founded somewhat later, in this southern Etruria[233]. Now I think I have shewn that the Tyrrhenians from Surrentum to the Silarus were certainly not Etruscans: and here again it may have happened that whatever statements were found by Roman writers in Neapolitan or Cuman chronicles about Tyrrhenians who had of yore been in possession of Campania, were referred by them to the Etruscans. That Capua, as well as Rome, past with the earlier Greeks for a Pelasgo-Tyrrhenian city, may be inferred from Cephalon, who mentioned it together with Rome among the cities built by the Trojans. The same notion lies at the bottom of the accounts, of which traces are preserved by the grammarians, when they tell us in one place, that Capua was founded by Campus; in another, that a prince of this name had ruled in Epirus,—over the Chaonians,—and that Epirus had also borne the name of Campania[34]. Moreover, an emendation, as to which no doubt can be entertained, supplies us with an express testimony for Nola's being of Tyrrhenian origin[35]. The statement too of the anonymous chronologers quoted by Velleius, that Capua and Nola were built by the Tuscans about eight and forty years before Rome, can only be defended by interpreting it of the Tyrrhenians. And notwithstanding his express reference to Cato, it is very doubtful

[233] Livy, IV. 37. Velleius, I. 7. Strabo, V. p. 242. d.

[34] Etymolog. Magn. v. Κάμπος. Servius, on Æn. III. 334. The Campylids, the house of king Campus, must assuredly have been the ἀρχικὸν γένος among the Chaonians, mentioned in Thucydides, II. 80. In the line of Virgil the old commentators were no doubt right in interpreting *Chaonii Campi*, not the *Chaonian fields*, but the *Chaonian Campi*. It was no over-refinement that determined them. A Roman who had voyaged from Brundusium to Greece, must have seen Chaonia with its Acroceraunia, and could no more write about Chaonian plains, than an Englishman about Alps between Calais and Paris.

[35] The text of Solinus, p. 10. d, has Nola *a Tyriis*. I read, with Lipsius, though in a different sense, *a Tyrrhenis: a Thuriis*, which Salmasius proposes, is certainly wrong.

whether Cato did not make a distinction between the Tuscans and the Etruscans. Polybius however speaks in so many words of the Etruscans as the possessors of the Phlegræan plains[236]: and slight as his authority is in such matters, I would not reject an opinion which he expresses so positively, until every attempt to maintain it has been found futile. Cato's statement,—which gives such offense to that ingenious but hasty writer, Velleius,—that Capua had existed only 260 years before its taking in the second Punic war, and accordingly was founded about the year 283, seems to admit of being well reconciled with what we can collect of Etruscan history. The greatness of the Etruscans belongs to the third century of Rome. It displays itself in the wars of Porsenna against Rome and Aricia; in the Veientine war, after the disaster on the Cremera, in 276 : and it was about the same time, Ol. 76. 3, 278, that Cuma was saved by Hiero from the Etruscan fleet. But the subjection of Rome to Porsenna seems to have been of brief duration: and soon after the middle of the third century Roman history becomes so determinate, that the people on the left bank of the Tiber cannot possibly have been in such a state of dependence as must be presupposed before Etruria could send out colonies beyond the Vulturnus. Nor are there less difficulties against their having crost the sea; since the three harbours on the Phlegræan plains, Cuma, Dicæarchia, and Parthenope, had continued invariably in the hands of the Chalcidian Greeks. Yet without possessing one at least of these, the Etruscans, even if they had landed at Liternum, could never have thought of forming a permanent settlement.

Dionysius has preserved a record of a siege that Cuma had to sustain from an enormous host of Tyrrhenians from the Ionian sea, along with Umbrians, Daunians, and many other barbarians. This war is not to be rejected, any

[236] II. 17.

more than the expedition of Xerxes, on account of the fabulous exaggeration in the numbers. The prodigy of the rivers flowing backward is merely a proof that the fearful peril, through which the Cumans were carried by the aid of the gods, was transmitted in song through the mouths of their children and grandchildren. Even the chronological statement, which dates this war in the 64th Olympiad, that is, about 228, may be deemed correct in the main, though it may go a few years too far back. Indeed it was impossible to adjust the native chronological registers with perfect accuracy to the years of the Athenian archons. One might conceive that the settlement of the Etruscans at Capua was contemporaneous with this expedition: an earlier date is incompatible with that story, which represents the Cumans as in possession of the Campanian plains[237]. I believe too that there was a connexion between these events; but that here again the Tyrrhenians were not Etruscans. The nations who are said to have marcht against Cuma, must unquestionably, it seems to me, have been the Italians and Opicans, thrust forward by the advance of the Sabellians, and moving onward in one mass, in which the drivers were mixt up with the fugitives, as in the great migration of the Germans and Huns. This appears to be the epoch when the Opicans settled in the Phlegræan plains: and a number of years may have elapst after this, before they became masters of Capua; so that this city might date her origin according to the era mentioned by Cato. The statement that in these parts, as in Etruria, there were twelve Tuscan cities, rests solely on Strabo; who delivers it without confidence*; and it is extremely doubtful. Not the slightest trace of the Etruscans is to be found in Campania. The letters might indeed be deceptive; but all the written monuments without exception are in Oscan. Nor are the works of art less unlike all those of the Etruscans.

[237] Dionysius, VII. 3.

* v. p. 242. d.

Nola is called a Chalcidian city[238]. Probably the Tyrrhenians, to strengthen themselves, admitted Greeks to fellow-citizenship; and these Nolans maintained their ground against the Oscans. They were subsequently attacht to the Samnites, who everywhere appear on friendly terms with the Greeks. How entirely the civilization of Greece had been adopted by Nola, is proved by the workmanship and language on her coins. But from her situation in the midst of the Oscans, whom even Neapolis was not able to exclude from the rights of citizenship, she had become substantially an Oscan city in the time of the second Punic war: and we may find a melancholy parallel to her fate, in that which is impending over the German towns on forein coasts.

[238] By Justin, XX. 1: that is, by Trogus. Also by Silius, XII. 161: and Silius lived among the Neapolitans.

THE ABORIGINES AND LATINS.

ONE of the traditions most deserving of credit with regard to the early history of Italy, is, that in very ancient times a people, who dwelt about mount Velino and the lake of Celano, as far as Carseoli and Reate, were driven from thence by the Sabines, coming from Aquila. Such was Cato's account[239]: and if Varro, who gave a list of the towns they had possest in those parts[40], was not imposed upon, not only were the sites of those towns, as well as their names[41], distinctly preserved, but other information also concerning them, such as cannot be transmitted through so many centuries except by writings. Their capital, Lista, was taken by surprise; and the expeditions which for many years they sent out from Reate to recover it, proved fruitless. Abandoning that district, they came down the Anio. At Tibur, Antemnæ, Ficulea, Tellena[42], and further on at Crustumerium and Aricia, they found the Siculians, and subdued or expelled them in a number of places. That Præneste also was a Siculian town, seems to be implied in the statement, that it once bore the Greek name of Stephane[43]. The name of Tusculum shews that it belonged to the same people; since *Tusci* and *Turini* are

[239] Dionysius, II. 49. [40] Dionysius, I. 14.

[41] The greater part of them seem not to have been destroyed till the Æquian war about 450. Of the remains seen by Varro we may form a clear notion from the quadrangular substructions in the district of Tibur, beyond the river, a couple of miles to the west of the city, which mark the sites of some of the little towns subject to Tibur.

[42] Dionysius, I. 16. [43] Pliny, III. 9.

only different forms of one word[244]. Moreover the ruling house there shewed its Italian and Tyrrhenian origin by its surnames, and traced its descent from Circe, that is, from Circeii[45]. Fidenæ too was a Tuscan town.

In the Latin legends these conquerors were called *Sacrani*[46]; either because it was related from the first that they left their homes to fulfill the vow of a sacred spring; or the name may have been a hereditary one, and its apparent meaning led to the invention of that story. Another name, and unquestionably an old and genuine one, was *Casci*[47]: which afterward came to be used as an adjective, in the sense in which *Gothic* is used now, and *altfränkisch* by the Germans. That in addition to this however they were properly called *Prisci*, a word which underwent the same change of meaning, will be shewn when I reach the history of Rome *.

The legend which became predominant, and which makes the Trojan followers of Æneas, and the native subjects of Latinus, assume the new and common name of Latins, retains traces of the tradition that this people was formed by the intermixture of different tribes. Still more clearly is this attested by the name *Prisci Latini*,

[244] See note 219. In *Tuscus*, as in all similar names, *sicus* has been contracted into *scus*; and *Tusicus* is *Turicus*: for *r* and *s* are perpetually interchanged in old Latin. Thus *Furius* comes from *Fusus*; and *Auruncus* by an opposite change stands for *Ausunicus*.

[45] The Mamilii Turini, and Vituli. See above, p. 14. Ulyxes may have belonged to the legend in very early times, even granting that the name of Telegonus, as the founder of Tusculum, was foisted in out of the poets.

[46] Servius on Æn. VII. 796, on the words *et Sacranae acies*, compared with Dionysius, I. 16. See below, p. 92, note 279.

[47] Saufeius, quoted by Servius, on Æn. I. 6: qui—*Casses* (read *Casci*) vocati sunt, quos posteri Aborigines nominaverunt. Ennius has Casci populi Latini: compare the other passages in Columna's note, p. 14.

* See note 914, and the text to it.

in its genuine signification of *Prisci* and *Latini* *. This however proves that the name of the Latins was older than the irruption of the Priscans, and consequently belonged to the Siculians of these parts. Still the advantage of having a clear distinctive name is enough to justify me in following that legend, and the usage it gave birth to, and in giving the name of Latins to the nation which arose out of that conquest, and that of Aborigines to the earlier inhabitants of Latium.

This name is said to mean *ancestors*[248]. But it is surely simpler to interpret it of those who were the inhabitants of the country from the beginning, answering to the Greek *autochthones*. What kept this from being admitted, seems to have been, that the Umbrians were supposed by some, perhaps merely from their being deemed the most ancient people in Italy, to have been driven out of Latium by the Aborigines; while others ascribed their expulsion to the Sacrani. Others again, influenced in part by the Greek tales about the rovings of the Pelasgians, took the Aborigines for a conflux of wandering tribes, and supposed their name to be a corruption of *Aberrigines* †.

One might fancy that this name, being of such an abstract nature, must have been an invention of the later Roman historians. But though it manifestly was never the real name of any people, it is far older than the time when Roman history began to grow out of the swaddling-clothes of scanty-worded chronicles. For as early as about the year 470, Callias, the historian of Agathocles, spoke of Latinus king of the Aborigines[49]: and in Lycophron, all whose information about Rome was derived from Timæus and other Greek writers, Cassandra

* See notes 752 and 915.

[248] Dionysius, I. 10, explains it by γενάρχαι: compare Saufeius, quoted by Servius, on Æn. I. 6. quoniam *aliis* (read *ab illis se*) ortos esse recognoscebant. The nominative singular, after the analogy of the old language, was probably *Aboriginus*.

† Festus.

[49] Dionysius, I. 72.

foretells that Æneas will build thirty castles in the land of the Borigoni [250].

The inconsistency of giving the name of Aborigines, not only to the Tyrrhenians, but to the invaders also, is after the character of legendary history. It is clear however that the latter cannot have obtained the name of Autochthons, except by an abuse of language. Cato, who wrote that the chief part of the plain in the country of the Volscians had formerly belonged to the Aborigines [51], evidently marks them out as the inhabitants of the Maremma: for in the interior of the Volscian territory there are no plains. Nor is it less clear that the people he and C. Sempronius applied this name to, were Pelasgians; since they pronounced the Aborigines to be Achæans [52]. So that Dionysius must be under a misunderstanding, when, in relating Cato's account of the spreading of the Sabines, he represents him as having called the people whom they drove before them, the Aborigines [53]. Varro indeed has palpably been guilty of this errour, and perhaps may also have preceded Dionysius in speaking of the Pelasgians as the allies of the Aborigines, who join them in driving out the Sicelians; after which however the Pelasgians withdraw and disperse.

The Sicelians however do not by any means disappear out of Latium. Many of their towns seem to have maintained their freedom in the neighbourhood of the Tiber, and of Rome. Indeed the change produced in the population of a country by national migrations is seldom complete, unless the conquerors are exterminating savages. In other cases the lovers of freedom leave their homes; but a part, and commonly the majority, submit to the victors. Such was the case then. In the places that were subdued, a part of the inhabitants united

[250] v. 1253.

[51] Fragm. Origg. 1, quoted by Priscian, v. p. 608.

[52] Dionysius, 1. 11. [53] Above, note 239.

with the Cascans; another part quitted the country: and this was associated with the legends about the expeditions of the Sicelians across the sea to Trinacria, and of the Tyrrhenian Pelasgians to Greece.

According to the traditions of the Italian Greeks, the Sicelians were driven over into Sicily by the Opicans[54]. Now it certainly is very questionable whether this migration be more authentic than other pretended traditions of the same kind; or not rather, like them, a mere inference and presumption: and as the name of Sicelians was common to all the Italians, it is, to say the least, extremely improbable, that the tribe which went over to Sicily, should have been the one which dwelt the furthest off. Still the evident affinity between the ungreek element of the Latin language and the Oscan puts it beyond a doubt that the Cascans belonged to the Oscan stock. The Oscan words in Latin are contracted and curtailed, as the Zend words are in Persian: and such must always be the case, when a cumbrous and harsh language, abounding in polysyllables, is adopted by a nation whose tongue has a different character. Now since the Umbrians, during their early greatness, extended as far as those primitive seats of the Cascans, we may further regard the tradition followed by Philistus, that the Sicelians had been expelled by the Umbrians and Pelasgians, as one and the same with that which led Antiochus to write that it was by the Opicans and Oenotrians: so that the Umbrians and Opicans, whose names come so near each other, would be branches of the same nation[55].

The Aborigines are portrayed by Sallust and Virgil as hordes of savages, without manners, without laws, without agriculture, living on the produce of the chase, and

[54] Thucydides, VI. 2. Antiochus, quoted by Dionysius, I. 22.

[55] Dionysius, I. 22. Both the historians, in regarding the Sicelians as distinct from, and as driven out by the Oenotrians and Pelasgians, made the same mistake which was pointed out above in the legend about Cyrnus. See note 69; and compare note 114, and p. 65.

on wild fruits. This probably is nothing but an ancient speculative view of the manner in which mankind advanced to civilization out of a state of animal rudeness, of the same kind with those philosophical histories, as they were called, with which we were surfeited during the latter half of the last century, more so however by the writers of other countries than those of Germany, and in which even the state of brute speechlessness was not forgotten. The pages of these observing philosophers swarm with quotations from books of travels. One point however they have overlookt, that not a single instance can be produced of a really savage people which has become civilized of its own accord, and that, where civilization has been forced upon such a people from without, the physical decay of the race has ensued; as in the case of the Natticks, the Guaranis, the missions in New California, and those at the Cape. For every race of men has received its destination assigned to it by God, with the character which is suited to it and stamps it. The social state too, as Aristotle wisely remarks, is prior to its individual members*; the whole prior to the part. The mistake of those speculators is their not perceiving that the savage is either a degenerate race, or was but half human from the first. The account of the Aborigines however may also have been a tradition handed down by the serfs concerning the rude character of their lords, who lay on their bear-skins, while their bondsmen tilled the ground for them. It cannot arise from mere chance, that the words for *a house, a field, a plough, ploughing, wine, oil, milk, kine, swine, sheep, apples,* and others relating to agriculture and gentler ways of life, agree in Latin and Greek[256]; while the Latin words for all objects pertaining

* Polit. I. 1. Πρότερον δὴ τῇ φύσει πόλις ἢ οἰκία καὶ ἕκαστος ἡμῶν ἐστι.

[256] Several other words might have been added, had not their identity required a detailed proof: *equus* for instance is ἵππος.

to war or the chase are utterly alien from the Greek. If the agreement in the former class does not run throughout, this is no more than must be expected in languages which, like the Hellenic and Pelasgic, notwithstanding their complete affinity, are, perhaps for the greater part, essentially distinct *.

Janus is said to have been venerated by the Aborigines as the founder of a better way of life, together with Saturn, who taught them husbandry, and induced them to settle in fixt habitations. Janus or Dianus, as Scaliger has shewn, was the god of the sun [257]. Saturn and his wife Ops were most probably the god and goddess of the earth, its vivifying, and its receptive and productive power. Its depths were his kingdom. The interpretation which turned these gods into kings, was of later origin.

Between Saturn and the Trojan settlement, the legend placed only three kings of the Aborigines, Picus, Faunus, and Latinus, in lineal descent; who, when removed from the earth, were raised to the rank of gods, and adored as Indigetes. It is only in a very late account that Latinus is represented as falling in the battle with Turnus, or with Mezentius: in the genuine legend he disappeared, and was worshipt as Jupiter Latialis [58].

Latinus in a different dialect was called Lavinus. Hence ignorant expounders have given him a brother, the founder of Lavinium [59]. In like manner the *Latini* were called *Lavici* [60]; and Lavinium was the seat of their

* The reader will find some ingenious remarks on these points by Professor Lassen in the Rhenish Museum for 1833, pp. 361-365.

[257] Hence he may help us to explain the story of Circe, who in Greek mythology is called the daughter of the Sun. That story was without doubt indigenous in the neighbourhood of the mountain named after her, and not an importation from Greece.

[58] Festus, v. Oscillum. Compare Schol. Mediol. ad or. pro Plano. 9.

[59] Servius on Æn. 1. 2.

[60] Picti scuta *Lavici* (not *Labici*), Æn. VII. 796, are a people, not the town near the Via Latina.

common sanctuary, and of their national assembly, like the Panionium[261]. King Lacinius too in Oenotria[62] is another phase of Latinus: and thus we see plainly that the Oenotrians also bore the name of Lacinians, and belonged to the same nation with the Latins. For Lacinium also, with its temple of Juno, was a common sanctuary of those tribes, of great antiquity and indigenous origin; as is implied in the expression, that it was founded before the Trojan war[63]: and the name of the Lacinian promontory was derived from the people who dwelt by it, like that of the Iapygian on the opposite coast. Nay this Lacinius is expressly called Latinus, king of the Italians, and gives his daughter, Laurina, in marriage to a foreiner named Locrus[64]. But how can a historian feel any interest in tracing the fantastic shapes assumed by the clouds of mythology, as they shift about at the whim of capricious narrators? Who can bear to tarry among such things, when investigations of great importance are awaiting him? Still I cannot omit remarking a circumstance, which throws much light on the notions entertained by the Greeks touching the nature of the Latin nation, namely, that Latinus, whom Hesiod calls soverain of all the renowned Tyrrhenians, that is, those of the Pelasgian race[65], is according to him the son of Ulysses and Circe; while another story,—in which Telemachus and Penelope fly to Latium with the guiltless murderer Telegonus, to avoid the vengeance for the slaughter of the suitors, which threatens them after the death of Ulysses,—makes him the son of Circe and

[261] This is the way to explain the expressions, *Lavinia litora, arva*: Æn. I. 2, IV. 236; and not by a prolepsis. The name of the Latins is represented by Virgil as originating, according to the received notion, from the union of the Trojans with the Aborigines. The meaning of the other form had not become equally fixt.

[62] Servius on Æn. III. 552: Diodorus, IV. 24.

[63] Servius on Æn. III. 552: quod ante Troicum bellum collatitia pecunia reges populique fecerunt.

[64] Conon, narr. 3.

[65] Theogony, 1011-15.

Telemachus [66]. A different class of legends gives him Hercules for a father, and a daughter of Faunus [67], or the Hyperborean Palanto, for a mother [68]. Rome itself was supposed by an obscure conception to be in the neighbourhood of the Hyperboreans [69]; and the Hyperborean Tarkynæi [70] seem to be no other than the people of Tarquinii. Now if we are not afraid of looking for the mysterious Hyperboreans in Italy, we may here see how the gifts which they sent to Delos might be handed round the Adriatic from people to people, until they reacht Dodona; a custom preserved from those ancient times when the whole coast of that sea was inhabited by Pelasgian tribes. The religion of all these tribes being the same, it is no longer extraordinary that offerings should have been sent from so far. And if it be but admitted that the people called Hyperboreans may have been a Pelasgian tribe in Italy, the possibility may be thought to be nearly turned into a certainty, when we find that the title of the carriers is almost a Latin word [71].

The voyage of Evander to Latium with a train of Arcadians would not deserve the slightest notice, being an evident fiction, were it not homesprung and ancient; so that we may expect to discover an explanation that will clear it of its absurdity. Any tradition, however slight, is enough to justify us in believing that, when so many small Siculian towns were scattered around, another such, bearing the name of Palatium, stood on the hill near the Tiber, where the foundations of the eternal city were one day to be laid. Its name reminded the Greeks of Pallantion in Mænalia. Moreover, with the Greek genealogers,

[66] Hyginus, Fab. 127, and one Galitas, quoted by Festus, v. Roma.

[67] Justin, XLIII. 1.

[68] Dionysius, I. 43. Festus, v. Palatium.

[69] Heraclides, quoted by Plutarch, Camill. c. 22.

[70] Stephanus, v. *Ταρκυνία*.

[71] *Περφερέες*, in Herodotus, IV. 33, seems connected with *perferre*.

Arcadian and Pelasgian are equivalent terms. Nor have we any right to question the statement of Dionysius, that sacrifices were offered in memory of Evander, as well as of his mother Carmenta; and that the native histories related, how he had introduced a knowledge of the arts and more civilized ways of life[72], and had entertained Hercules, and given him his daughter Launa in marriage, by whom the hero became father of Pallas. And now it is from Pallas that the town and hill appear to receive their name; for no tradition can be fixt. These tales are demonstrably older than the time of Polybius. They cannot indeed be of Italian origin in the strictest sense: but who can calculate the operation of that Pelasgic element in the Latin character, by means of which the mythology and religion, the oracles and prophecies of Greece, gained an entrance among the Romans, the Latins, and the Etruscans? and where have we any trace of the epic and lyric poets of the Greek cities on the coasts of Italy, either of those nearer to Rome, or more remote from it, to whom she became of importance, long before she excited any attention in the mother country? It is true, the Græco-Italian mythographers, whose names have been preserved, cannot well be earlier at the utmost than the first Alexandrian poets. The epithet *old*, applied to the poet Euxenus in the text of Dionysius, rests on a doubtful reading[73]. Simylus, Butas, Diocles of Peparethus, and Antigonus, (the two latter of whom perhaps wrote on Rome in verse also,) are certainly not of an earlier age. But, though the battle fought by Hercules in Liguria, and his expedition across the Alps, and through the peninsula, belong to the old Hellenic Heraclees; it must have been by Greek poets in Italy that his return from Erythea was embellisht

[72] The Latin alphabetical characters too, as distinguisht from the Etruscan: Tacitus, Ann. xi. 14.

[73] The words, Εὔξενος ὁ ποιητὴς ἀρχαῖος, in Dionysius, i. 34, can hardly be correct: at least ἀνὴρ is wanting after them.

with the adventure of Cacus, the battle on the Phlegræan fields in Campania against the giants who fled to Leuternia, and the founding of Herculanum and Pompeii. In like manner the Greeks on the Pontus told of his exploits in Scythia.

I am far from fancying that it is possible to detect in what manner the worship of the Sabine Semo Sanctus was transferred to the son of Alcmena. Nor will I pretend to conjecture whether the Ara Maxima of Hercules existed before the censorship of Appius Claudius the Blind. But surely the most natural mode of explaining the story of the Potitii and Pinarii, is to suppose that the worship of Hercules was a *sacrum gentilitium* belonging to those houses; and that the Romans in the Samnite war were commanded by the Sibylline books, or by the answer of an oracle,—like that during the same war which enjoined the erection of statues to the bravest and the wisest of the Greeks,—to adopt the worship of Hercules, among all the Greek heroes elevated to Olympus the most heroic, and to raise a statue in his honour, with a promise of blessings to those who should consecrate the tithe of their substance to him. Nay perhaps this was prescribed to all, as the means of bringing the interminable contest to a prosperous conclusion. A colossal statue was erected to him in the year 449, in the same censorship of Appius, who induced the Potitii by a bribe to teach the rites of their worship. This was justly deemed a base act; and when their house became extinct, not indeed most assuredly within a year, still less within thirty days, but in the great pestilence which desolated Rome ten years after, men lookt upon their fate as a visitation of God *. It was during this pestilence that the worship of Esculapius was introduced [274].

* Livy, IX. 29: Festus, v. Potitium: Servius, on Æn. VIII. 269.

[274] The den of Cacus is said to have been on the Aventine; but the steps of Cacus were on the Palatine: Diodorus knew them (IV.

I will now return to Evander, and remark that he seems to be only another form of Latinus. One legend makes him the son of the prophetic Carmentis, the other of the prophetic Faunus: in the one he marries his daughter Lavinia to Hercules, in the other to Æneas, both of them forein heroes. So in a different legend we find Latinus taking the place of Cacus, and stealing the oxen *.

Incomparably more brilliant and celebrated than this legend, is that of the coming of the Trojans to Latium. This however is immediately connected with those concerning the building of Rome; and its only importance would be with regard to the ancestry of the Roman houses, even if it could be shewn to be historical. For Æneas and his scanty train had not the power of giving a new character to the Latin people. I shall therefore defer this investigation, and reserve it for the preliminary history of Rome.

In later ages it was considered as certain that the Roman conquests pusht the frontier of Latium forward from Circeii to the Liris [275]. But in the first treaty with

21) In his story the latter hill is the residence of Cacius, who joins with Pinarius in entertaining and paying honour to the Tirynthian hero, thus taking the place of Potitius, and indeed of Evander: of the latter he makes no mention, nor of any Arcadians, nor of any but natives. A sister of Cacus too, Caca, like Vesta, had a perpetual fire kept up in honour of her: Servius, on Æn. VIII. 190. It seems quite certain that the whole story of this expedition of Hercules in Diodorus was derived from Timæus. He speaks of his opening a permanent and secure road through the barbarous tribes of Liguria: and so we read of a Herculean road in the treatise *De Mirabilibus*, p. 102. a. The account in the work bearing the name of Victor, *de origine P. R.* which professes to be taken from old annalists, is of no value: for that book was written toward the end of the fifteenth century, like the pretended writings of Messalla, Fenestella, and Modestus, or in the sixteenth, by an evident impostor.

* Servius, on Æn. III. 552.

[275] Strabo, v. p. 231: Pliny, III. 9. In the time of Scylax, Circeii was its limit

Carthage all the towns on the coast from Ostia to Terracina are called Latin, and are subject to the Romans; and the Carthaginians bind themselves, if they take any Latin town not subject to the Romans, to deliver it up to them [276]. Their making conquests in the interior was out of the question: so that Latium in those days must have stretcht further along the coast toward Cuma: and the name of the Latins is synonymous with that of the Tyrrhenians.

[276] Polybius, III. 22. Καρχηδόνιοι μὴ ἀδικείτωσαν . . . μηδ' ἄλλον μηδένα Λατίνων ὅσοι ἂν ὑπήκοοι· ἐὰν δέ τινες μὴ ὦσιν ὑπήκοοι κ. τ. λ. See the text to note 1184.

THE SABINES AND SABELLIANS.

THE Romans had no general name comprehending the Sabines along with the tribes supposed to have issued from them. The latter, as well the Marsians and Pelignians, as the Samnites and Lucanians, they termed Sabellians. That these tribes called themselves *Savini* or *Sabini*, is certain from the inscription on the Samnite denary coined in the Social war. At least it is certain as to the Samnites, whose name in every form is manifestly derived from *Savini*, and in the Greek Σαυῖται immediately so. But the usage of a people who have left no writings behind them, like everything that is totally extinct, has lost its rights. I think myself justified therefore in employing the term *Sabellians* for the whole race: since the tribes so named by the Romans are far more important than the Sabines; and it would clearly have offended a Latin ear, had any one called the Samnites Sabines. For the investigations in this history a general name is indispensable.

The Sabellians, at the time when the Roman arms advanced beyond the frontiers of Latium, were the most widely spread and the greatest people in Italy. The Etruscans had already fallen, as they had seen the fall of the nations that flourisht before them, the Tyrrhenians, the Umbrians, and the Ausonians. As the Dorians were a great people in their colonies, while the mother country continued a small state; and as that state enjoyed peace, while the tribes it had sent forth were spreading abroad by means of conquests and plantations; thus, says Cato, was it with the old Sabine people. Their

original home he places[277] in the neighbourhood of Amiternum, in the highest Apennines of the Abruzzi, where the snow is said never to disappear entirely on mount Majella, and where the Apulian herds are driven in summer to the mountain pastures. From hence they issued in very remote times, long before the Trojan war; and driving the Cascans before them in one quarter, the Umbrians in another, they took possession of the territory which has borne their name for three thousand years. As the population multiplied here and overflowed, it emigrated to different parts. There was a religious usage among the nations of Italy in times of severe pressure, whether from war or pestilence, to make a vow of a sacred spring (*ver sacrum*); that is, that every creature born in the next spring should be consecrated: when twenty years had elapst[78], the cattle were sacrificed or redeemed, the youth were sent abroad[79]. A vow of this kind was made by the Romans in the second year of the second Punic war, but only with regard to their flocks and herds[80]. Such vows, according to tradition, led to the sending out of the Sabine colonies. The gods to whom they were dedicated[81], charged sacred animals to guide them on their way. One colony was led by a woodpecker, the bird of Mamers, into Picenum[82], then peopled by Pelasgians or Liburnians: another by an ox into the land of the Opicans; this became the great Samnite people: the Hirpinians were guided by a wolf[83]. That colonies were sent out from Samnium, we know from historical evidence. The Frentanians on the Adriatic were

[277] Dionysius, I. 14. II. 49.

[78] Livy, XXXIII. 44. Festus, v. Mamertini.

[79] Dionysius, I. 16. Strabo, v. p. 250. a. Festus, v. Ver sacrum, and Mamertini. [80] Livy, XXII. 9.

[81] Strabo, and Dionysius, in the passages last quoted.

[82] Strabo, v. p. 240. d. Pliny, III. 18.

[83] Strabo, v. p. 250. b. d.

Samnites[84], who stood aloof from the rest of the nation in the second war with the Romans. A band of Samnites conquered Campania, and the country as far as the Silarus. Another host, calling themselves Lucanians after their leader Lucius[85], subdued and gave their name to Lucania[86].

Capua, then called Vulturnum, originally a Tuscan, and at that time probably an Oscan town, purchast peace of the Samnites by admitting a colony, who received a share both in the city and its territory[87]. This was the origin of the Campanian people, an event memorable to the Sicilian Greeks; who gave the name of Campanians to all such tribes as were mixt up of Sabellians and Oscans, and consequently to the mercenaries who spoke Oscan, under whose violence they pined*. It is placed by Diodorus in Ol. 85. 3, in the year of Rome 314[88]: nor is there any contradiction between this statement and Livy's, that the old citizens were overpowered and massacred by the new setlers in the year 331. Three years after the old citizens of Capua had been exterminated, in 334[89], the Campanians took Cuma by storm, visited the unfortunate inhabitants with all the atrocities of war[90], and sent a colony thither. Yet the Greek population was not altogether extirpated. Half a century later Cuma is called a Greek city by Scylax; and traces of Greek manners and customs were subsisting there four hundred years after, when the Oscan

[84] Strabo, v. p. 241. b. Scylax, p. 5. See n. 293.

[85] Pliny, III. 10. Etymol. M. v. Λευκανοί. More probably after an ἀρχηγέτης named Lucus.

[86] In the epitaph on L. Cornelius Scipio Barbatus it is written *Lucanaa*. The double vowel belongs to the Oscan and the Old Latin: in the Julian inscription at Bovillæ we find *loege*.

[87] Livy, IV. 37. * See above, note 206.

[88] Diodorus, XII. 31. τὸ ἔθνος τῶν Καμπανῶν συνίστη.

[89] Livy, IV. 44. According to Diodorus, XII. 76, in Ol. 89. 4. 331.

[90] Strabo, v. p. 243. c. Diodorus, XII. 76.

language, which had supplanted the Greek, had long been superseded by the Latin [291].

This Oscan city of Cuma at the beginning of the fifth century was already independent of Capua; which in other cases clearly exercised a supremacy over the places roundabout it. Nola on the other hand had no connexion with the Campanians; nor had Nuceria. The former, as has been observed already [92], may with good reason be regarded as a Greek city.

About the year 390 the Campanians and Samnites were the only people mentioned by Scylax of Caryanda* between the Vulturnus and the Silarus. They possest the whole country here from the Tyrrhenian to the Upper Sea. On the latter he assigns them all the coast from mount Garganus to Picenum, which he includes in Umbria [93]. Lucania at the same time had attained its greatest extent, so that all the seaports from Posidonia to Thurii are enumerated by him under this head. Distance and the magnitude of the Lucanian conquests soon made them a distinct people from the Samnites.

Their first territory was on the Lower Sea. For some time they did not touch the gulf of Tarentum, the coast of which was in the possession of the Greek cities. When the Greeks first colonized that coast, there were no Lucanians: the country then belonged to the Chonians and

[291] Scylax, p. 3. Strabo, v. p. 243. c. Velleius, I. 4. Livy, XL. 42

[92] *Above*, p. 77, note 238.

* On the age of this geographer see the author's dissertation in the Philological Museum, vol. I. p. 245.

[93] The name of the people that he places between the Iapygians and Umbrians, is written, both in the title and the text, Δαυνῖται. Now I will not deny that the Daunians may also have been called Daunitæ, though the instances cited to prove this are of little value: but I deny that the Daunians dwelt to the west *of their own country*. Nor could Scylax say of them that they extended from sea to sea: [illegible] might be said with perfect accuracy of the Samnites, [illegible] of as occupying the coast between Campania and [illegible] I am confident that the right reading is Σαυνῖται.

Oenotrians. But after the wide spreading of the Samnites, and the settlement of the Lucanians in Oenotria, the Greek cities were involved in wars with the barbarians, which ended in their ruin. So says Strabo[94]: his expressions might seem to imply that the irruption of the Lucanians occurred in very early times, soon after the founding of the Greek cities: this however is not his meaning.

At the time when Sybaris was ruling over the country between the two seas, there can have been no Lucanians in these parts. The fall of that city took place in the year 242, Ol. 67. 3. Nor were any powerful barbarians masters of the coast between Posidonia and Laos about the year 280, when Micythus built Pyxus there[95]: although it is possible they may already have establisht themselves in the interior, in the parts too distant for Croton to subdue or to protect. Before the Lucanians came into hostile collision with the great cities on the bay of Tarentum, they had gained a footing, as has been observed above, on the western coast[96], evidently by the conquest of Posidonia and its confederate towns. Now were we forced to assume that the dominion of the Lucanians at Posidonia must have put an end to the use of the Greek language there, at least on public monuments, *it would be necessary to bring down the date of that conquest below the Peloponnesian war: for, while many of the coins are exactly like the most ancient* ones of Sybaris, not a few, as is clear from the letters on them, cannot be earlier than that epoch. But from the melancholy custom, which Aristoxenus represented[97]

[94] Strabo, VI. p. 253. b. τὰ τῶν Λευκανῶν χώρια, ἃ (l. οἱ) τῆς δευτέρας οὐχ ἥπτοντο θαλάσσης πρότερον, ἀλλ' οἱ Ἕλληνες ἐπεκράτουν, οἱ τὸν Ταραντῖνον ἔχοντες κόλπον· πρὶν δὲ τοὺς Ἕλληνας ἐλθεῖν, οὐδ' ἡσάν πω Λευκανοί· Χῶνες δὲ καὶ Οἰνωτροὶ τοὺς τόπους ἐνέμοντο. κ. τ. λ.

[95] Eckhel. Doctr. num. I. p. 152. [96] Strabo, VI. p. 254. c.

[97] Athenæus, XIV. p. 632, cites Aristoxenus as relating that the Posidoniats ἄγουν μίαν τινὰ τῶν ἑορτῶν τῶν Ἑλληνικῶν ἔτι καὶ νῦν,

as still prevalent about the middle of the fifth century, we see that there was a subjugated Greek community dwelling at that time in the Lucanian city of Pæstum, consciously verging to its extinction, but still subsisting under a forein yoke: that is to say, the Lucanians were settled there as a soverain colony, having reduced the previous inhabitants to subjection. Posidonia is still termed a Greek city by Scylax: and as the Greek characters were always used on the coins of Nola, and even on those of Capua occasionally, they prove nothing as to the time when Posidonia was taken. The probability is, that the Samnites did not advance into the more remote and incomparably less tempting regions, till after they had conquered Campania, where the gates of Vulturnum opened to them in 314. Thurium was built in 306 (Ol. 83. 3), without any hindrance from hostile barbarians: and her rapid growth is a proof that there were none to check it. Her only quarrel was with Tarentum; and this was settled at the peace concluded by her general, the Spartan exile Cleandridas; by virtue of which Heraclea was founded in the year 319, Ol. 86. 4 [298]. Thirteen years before, Cleandridas was enjoying such influence and dignity in his native country, that at the time of this treaty we must suppose him to have at least reacht the extreme highth of manhood: nor can his powers have continued adequate to the functions of a general many years longer. But the earliest mention of the Lucanians is on occasion of the skill and courage which he displayed in leading the Thurians against them, as well as against Terina [99]: which last circumstance proves that the country between the two cities had not yet been occupied by the Sabellians. Antiochus closed his Sicilian

ἐν ᾗ συνιοῦσι πραμμνήσκονται τῶν ἀρχαίων ἐκείνων ὀνομάτων τε καὶ νομίμων, καὶ συλλοφυράμενοι πρὸς ἀλλήλους καὶ ἀποδακρύσαντες ἀπέρχονται.

[298] Strabo, VI. p. 264. c. [99] Polyænus, II. 10. 2. 4. and 1.

history with Ol. 89. 1, 328, three years before the Samnite colony gained exclusive possession of Capua: so that this is about the date to which we must refer the boundaries he assigns to Italy: and according to these the Lucanians had advanced as far as the Laos. Thirty years later, in the year 359, Ol. 96. 4, the Italiots [300] concluded the first general defensive league entered into by the Greek settlements on these coasts; and it was directed against the Lucanians and against Dionysius [1]. The capital punishment denounced against the general of any city, in case its troops should fail to come forward on an irruption of those barbarians, shews the greatness of the danger that threatened them, when so much alarm was confest. Yet the Lucanians at that time did not number more than thirty-four thousand fighting men [2]. In the year 362, Ol. 97. 3, the Thurians were completely defeated and almost exterminated near Laos [3], of which the Lucanians had then made themselves masters. After this battle their conquests spread like a torrent, being promoted by the ruin which the Syracusan tyrants brought on the Greek cities. Dionysius the younger, who concluded a peace with them before Ol. 105. 2, 393 [4], had begun during the war to fortify a line on the peninsula between the Scylletic and the Hipponian gulfs for the protection of his Italian province [5].

This was the time when the Lucanian state reacht its greatest extent. Only three years after, Ol. 106. 1, 396 [6], the Bruttian people makes its appearance. It arose out of

[300] The Greeks in the Oenotrian Italy.

[1] Diodorus, XIV. 91

[2] Diodorus, XIV. 101. foll.

[3] In the text of Diodorus we find: *βουλόμενοι* (*οἱ Θούριοι*) *λαὸν καὶ πόλιν εὐδαίμονα πολιορκῆσαι* who ever used such a phrase as *ἔθνος* or *λαὸν πολιορκῆσαι*? The true reading is: *βουλόμενοι Λᾶον πόλιν εὐδαίμονα πολ.*: and we are led to it by Strabo, VI. p 253, where likewise, instead of *ἐπὶ ταύτην λαοὶ*, we must read, *ε. τ. Λᾶον.*

[4] Diodorus, XVI. 5.

[5] Strabo, VI. p. 261. c.

[6] Diodorus, XVI. 15.

such bands as are wont to flock together in a period of utter confusion, when incessant wars are carried on with hordes of mercenaries; and out of revolted bondmen, who either assumed the name of runaway slaves in mockery, or adopted it when cast at them as a reproach [307]. But when they took rank among nations, they too thought it becoming to have a heroic pedigree; and they paid honour to Bruttus, the son of Hercules and Valentia, as the father of their race [8]. So far were the ancients from understanding such genealogies literally: in the one just mentioned the right of being a nation is evidently deduced from courage and strength. It must not be overlookt that this certainly was not the first time the Bruttian name was heard in Magna Græcia: some eighty years before, the city built on the Traeis by the descendents of the Sybarites who escaped from the carnage at Thurii, had been destroyed by Bruttians [9]. Wherever a whole population is reduced to bondage, general insurrections will always ensue; like those of the Helots and Penestæ in Greece: thus there must always have been Bruttians in Italy. That the people so called in later times, who at last were completely successful in an attempt often ineffectually renewed, were composed of a mixture of races, and in part of Oenotrians who had been moulded into Greeks, is proved by their speaking Greek along with Oscan [10]. To the Greek cities they were still more formidable neighbours than the Lucanians. They had the servitude of ages to avenge: the

[307] By the Romans they were also called Brutates: Fest. Epit. v. Brutates bilingues.

[8] Stephanus, v. Βρέττος.

[9] This is the way Wesseling ought to have solved the doubt which he discusses in his note on Diodorus, XII. 22. Diodorus does not give the name of the town: it must have been Sybaris: and in Strabo, VI. p. 264, c, we should read ἐπὶ Τράεντος Σύβαριν instead of ἐ. Τεύθραντος.

[10] Fest. Epit. v. bilingues Brutates: see Scaliger's note.

times too kept on growing more disorderly. Before they make their appearance in Roman history, Terina, Hipponium, and even Thurii had been laid waste by them. The last city sprang up again, like a weakly shoot from the root of a tree which has been felled; as Olbia did after its destruction by the Sarmatians *. Lucania, after being abridged of the larger and fairer half of her territory, was prudent enough to make a timely resignation of her hopeless pretensions, and to join in an alliance with her former subjects, for the sake of indemnifying herself by conquests on the Tarentine gulf. Here she pusht forward her frontier almost to Tarentum: whereas in Scylax the Lucanian coast does not extend beyond Thurii; and Heraclea, the name of the ancient Italy having been quite lost, is assigned to Iapygia. By this enterprise three Greek princes, Archidamus, Alexander the Molossian, and Cleonymus, were drawn over into Italy; and at last the attack on Thurii turned the arms of Rome against the Lucanians. At the time when they come forward in Roman history, they are torn by internal dissensions, feeble, and spent, as might be expected of a state where the citizens chose rather to rule over a multitude of bondmen and subjects that far outnumbered them, than to unite with them and form a great and powerful nation. That they were rich, is proved by the spoil the Romans took from them: and that there should be wealthy proprietors, who yet were unable to defend their property, is just what might be lookt for in a state where the commonalty was in servitude. What Strabo can have meant, by calling Petelia their metropolis, and Consentia that of the Bruttians †, is a mystery.

Between the Sabines and Samnites lay the country of the Marsians, Marrucinians, Pelignians, and Vestinians:

* Dion Chrysostom, Orat. Borysthenit. near the beginning.

† VI. p. 244. a. p. 256. a.

which of itself would form a ground for conjecturing them to have been of the same race. It is true, we find a statement that the Pelignians were of Illyrian origin[311]: but it is opposed by evidence of incomparably greater weight; that of Ovid, who, himself a Pelignian, terms the Sabines the ancestors of his countrymen[12]. Other Roman poets are almost equally express in accounting the Marsians among the Sabellians: in Horace the same incantations are called Marsian and Sabellian[13]; and Juvenal speaks of the Marsians, and their Sabellian fare[14]. The word *hernae*, which Servius calls Sabine, is said by an older Scholiast to be Marsic[15]. But if the Marsians were Sabellians, so were the Marrucinians; whose affinity to the Marsians was recognized by Cato, and exprest by one of the strange etymologies so common among the ancients[16]. Their name was formed, after the usual Italian practice of tacking on one derivative termination to another, from *Marruvii*, which was a variety of the name *Marsi*[17]; and it might just as well have been *Marsicini*. Another passage in Juvenal, whose language is very remote from that indefiniteness, which in fact is only ascribed to poets by superficial readers,

[311] Festus, v. Peligni.

[12] Fast. III. 95.

[13] Epod. XVII. 28, 29. Sabella pectus increpare carmina. Caputque Marsa dissilire naenia.

[14] III. 169. Translatus subito ad Marsos mensamque Sabellam. Virgil too meant perhaps to intimate this, when he wrote, Georg. II. 167, Haec genus acre virum, Marsos, pubemque Sabellam—Extulit.

[15] Servius and the Veronese Scholiast, on Æn. VII. 684.

[16] Origg. II. quoted by Priscian, IX. p. 871. Marsus hostem occidit prius quam Pelignus: inde Marrucini dicti, de Marso detorsum nomen.

[17] Virgil, Æn. VII. 750. Marruvia de gente. The character of a poet is not determined by his learning: to do justice to Virgil however, we ought to acknowledge his great erudition in history and antiquities of every sort, on which the scholiasts bestow well-deserved praises. From *Marruti* (like *Pacuius* instead of *Pacuvius*) came *Marruici*, *Marruicini*.

couples the Vestinians with the Marsians in a way which, when fairly considered, implies the identity of their national character, and that it was the same with that of the Sabellian race, so famed above all others for the severity of their morals[18]. Moreover those four tribes were united in a federal league; which is a ground for inferring their common origin, though not a proof of it. When the Vestinians joined the Samnites in 429, a general war with the other three tribes was held to be inevitable, should Rome attempt to disable her new enemy by a sudden attack[19]. In the list of the militias which the nations of Italy were able to bring into the field in case of need at the time of the Cisalpine war, the number of the troops belonging to these four tribes is given by Polybius in one sum[20]. Ennius too mentions them together[21], all but the Marrucinians; whose name however may have begun the next verse, since the quantity of the second syllable allowed of its doing so. If the poet did not speak of them specifically, he may have satisfied himself with reflecting that they were Marsians.

The Hernicans are remarkable in history for standing in a singularly favorable relation to the Romans, as their allies on a footing of equality: and their common hostility to the Ausonian tribes, by which the hills of the Hernicans were almost surrounded, was evidently the bond of this union. This gives a show of probability to the statement of Julius Hyginus, that they were Pelasgians[22]; who must in that case have maintained themselves on the advance

[18] XIV. 180, 181. O pueri, Marsus dicebat et Hernicus olim, Vestinusque pater.

[19] Livy, VIII. 29. Marsi Pelignique et Marrucini; quos, si Vestinus attingeretur, omnes habendos hostes.

[20] II. 24.

[21] Fragm. Ennii, ed Hesselii, p. 150. Marsa manus, Peligna cohors, festina (read Vestina) virum vis.

[22] Macrobius, V. 18.

of the Opicans in their impregnable strongholds. His testimony however is of no value; and the contrary statement, which ranks them among the Sabellians, is strongly supported by their name, which is said to come from the Sabine and Marsic word *hernae*, *rocks*, a derivation well attested and very credible. According to Servius they were sprung from the Sabines: according to an older scholiast they were a Marsian colony[323]: so that their settlement must be referred to the period when the Sabines were pushing forward to the sea along the Tiber as well as in the south.

The Italian, like other national migrations, came from the north; and the only rational meaning of Cato's opinion, that the neighbourhood of Amiternum was the original source of all the Sabellians, is, that this district was fixt upon by the oldest traditions, whether by those of the Sabines or of the ancient Umbrians, as the abode of the people who took Reate. Dionysius indeed seems to have conceived that Cato derived all the Sabines, and consequently all their colonies also, from the village of Testrina near Amiternum, as from a single germ. But surely so extravagant an abuse of the genealogical notions above censured ought not to be imputed to a man of Cato's sound understanding. He must have known and remembered how numerous the nation was in the time of its greatness; when it perhaps counted millions of freemen. Three hundred and sixty thousand Picentines submitted in the fifth century to the dominion of Rome[24]. It is probable indeed that this number included, not the able-bodied citizens alone, but, like Cæsar's account of the Helvetians, all who were free: the Picentines however were among the less considerable of the Sabellian tribes: and though they and other tribes of their race may have incorporated the people they subdued, the

[323] Servius, and the Veronese Scholiast, on Æn. VII. 684.

[24] Pliny, III. 18.

opinion, which Dionysius fancied he found in Cato, is not the less absurd.

At Reate, in the Sabina, in the country of the Marsians, the people they found, and subjugated or expelled, were Cascans: in the district of the Pentrians they were Opicans; who probably had also taken the place of the Italians about Beneventum, and in the land of the Hirpinians. On the left bank of the Tiber their settlements in the time of the Roman kings reacht low down, intermingled with those of the Latins, even to the south of the Anio, and were not confined to Collatia and Regillum [325], and to two of the hills of Rome. The wars with the Sabines form a main part of the contents in the early annals of Rome: but with the year 306 they cease entirely: which evidently coincides with their diffusion in the south of Italy. The overflowing population from the Sabellian tribes now turned toward this quarter; and the old Sabines on the Tiber became quite insignificant.

Strabo calls the Sabines autochthons [26]. This expression, applied to a people whose spreading falls so clearly within the range of history, can only mean that they were not a colony from any nation beyond the borders of Italy. His motive for making this remark may have been the fiction of the Tarentines, which was still extant in books, that the Samnites contained a mixture of Laconians; which Strabo's sound sense however rejected as an idle compliment to a powerful neighbour [27]. Others had devised the same admixture for their parent race, the Sabines. Amynclæ or Amyclæ on the Liris, it was imagined, must needs be a colony from Sparta: and so the poets, though perhaps not before the Alexandrian age, sang that it was founded by the Dioscuri along with Glaucus [28]. Further traces of Sparta were now sought for and presumed to exist in the vicinity. Caieta

[325] Livy, I. 38. II. 16.

[26] v. p. 228. c.

[27] v. p. 250. b c

[28] Servius, on Æn. x. 564.

was derived from Καιάτας: the goddess Feronia was referred to the Laconian Pharæ: some Lacedemonians were said to have landed on the Pomptine coast, not however in the heroic age, but in that of Lycurgus, and from thence to have proceeded into the interior and joined the Sabines[329]: an absurdity to which I should not allow a place in this work, unless it exemplified and illustrated the origin of much that professes to be traditional.

As I have already observed, it is by no means improbable,—though it is a point we are not at liberty to assume in a historical investigation, if we are in earnest in seeking after truth, and believe in historical truth,—that the Sabellians and Opicans were branches of the same stock. The language of the Sabines must have been altered in the conquered countries, by intermixture with those of the nations which they subdued, but did not exterminate: yet all the Sabellians spoke a common one. To prove the Sabine origin of the word *multa*, Varro says it was still found in the Samnite language[30]: and to shew that *Cascus* was a Sabine word, he adduces the meaning of the name Cassinum, a place inhabited by the Samnites, the offspring of the Sabines[31]. This leads us to conjecture that the original Sabines, who had so long been Roman citizens, had ceast to speak their own language. Seventy or eighty years later it is remarkt by Strabo, that the language of the Samnites and Lucanians was also extinct[32]. I have already observed that *herpae, rocks*, was both a Sabine and a Marsic word. The Campanian Oscan must have been the dialect the furthest

[329] Dionysius, II. 49. The native books, in which this story occurred, were not Sabine ones, but those of Gellius, whom Dionysius mentions in his introduction among his authorities. This is clear from Servius, on Æn. VIII. 638: where the only reason for mixing up Cato's name with the rambling discussion, is, that he too derived the name of the people from Sabus.

[30] Gellius, XI. 1.

[31] De. L. L. VI. 3. p. 86. Bip.

[32] VI p 254. a.

removed from the Sabine [33], and subsisted the longest: it had not become quite obsolete at Herculanum and Pompeii when they were destroyed.

The Marsic inscription given by Lanzi is not to be made out in the present state of our information on the Italian languages; although a close approach to Latin is strikingly evident in it. The characters used by the Marsians and their confederates, together with the Frentanians, and assuredly by the ancient Sabines too, were the Latin: which are also found on the table at Bantia. Of the Samnites we have no written monuments, save coins; which, like all the Campanian, except those with Greek inscriptions, have Etruscan letters. This however is no ground for imagining even the remotest affinity between the languages. The coins of the Lucanians have the name *Lucanom* in Greek letters: so they probably used these instead of the Etruscan. Nor was the alphabet all they adopted. Hereditary enemies as they were to the Greek cities, they nevertheless acquired such a familiarity with their language, that their embassador astonisht and won the hearts of the popular assembly at Syracuse by the pure Doric he spoke [34]. Nor would the authors of Pythagorean treatises have taken the mask of imaginary Lucanians, had it not been notorious that this philosophy had found reception among them, or had it been unusual for Lucanians to write Greek [35].

The strictness of their morals, and their cheerful contentedness, were the peculiar glory of the Sabellian mountaineers, but especially of the Sabines and the four northern cantons: and they preserved it long after the virtues of ancient times had disappeared at Rome from the hearts

[33] Sabina usque radices in Oscam linguam egit, says Varro, VI. 3.

[34] Or. Corinth. among the orations of Dion Chrysostom, II. p. 113. ed Reisk.

[35] That the notion of Lucanian philosophers in the time of Pythagoras, or even long after, must however be a fiction of a late age, is proved by the history of that people

and the demeanour of men. Else the several tribes of the same nation have seldom been so different, as those of this great people. The Samnites, Marsians, and Pelignians, were fond of war, and clung to liberty even unto death; the Picentines were sluggish and cowardly; the Sabines simple-hearted and honest; the Lucanians ferocious freebooters. As to the Campanian knights, they were so estranged from their ancestors, that they are quite out of the question here. All the Sabellians, but especially the Marsians, practist divination; principally from the flight of birds. The Marsians also boasted of being able to charm serpents, and of having magical cures for their bites: and to this day the juglers, who are wont to handle these reptiles familiarly, as one of the chief tricks they exhibit to the populace of Rome and Naples, come out of the same country, from the Lago di Celano in the Abruzzo.

Most of these tribes, and among the rest the Sabines, lived in open hamlets. The Samnites, and the members of the northern confederacy, like the Epirots, fortified and dwelt round the summits of their hills; where a brave people could defend the approaches even without walls: not that they had no regular towns; but the number of them was small. Not a ruin is found in Samnium of the time anterior to the Romans, which does not arise solely from the ravages of war. The free shepherd and peasant will build himself a dwelling on his hills, such as is suited to his wants, but will not hold out against time and war. Nor are works of art in clay or brass, or sepulcres containing vases, found anywhere in the purely Sabellian districts; but only in those which they occupied as rulers, in Campania and Lucania.

The Sabellians would have made themselves masters of all Italy, had they been united in one state, or even firmly knit in a confederacy, so as to appropriate their conquests permanently, holding them in dependence, and securing them by colonies. But they differed from the

Romans, in valuing the enjoying the highest possible degree of freedom above all things; more than greatness and power, more than the lasting preservation of the state. Hence the tribes they planted were not bound to the mother-country, but immediately became alien, and often hostile, to the state they had issued from: whereas Rome, whose colonies were of small numbers, was secure of their fidelity; while by their means, and by imparting subordinate civil rights to her conquered enemies, she converted a body, far superior to her colonists in number, into loyal subjects. Owing to this policy, Campania was let slip from the power of the Samnites. Without reckoning the cities there, in which the elements of the Oscan population regained the preponderance, or the Bruttians, who were properly foreiners, the Sabellian cantons, at the breaking out of the war between Rome and Samnium, were about twelve in number. Of these the Marsians were joined with the other three central states in a federal league, having a community of national laws, but not under a common government; in the way that Rome was united with Latium and the Hernicans. The tie by which five tribes, as it would appear, and at a later period four [336], were united to form the Samnite republic, seems to have been firmer, but still insufficient. In time of war the Samnites elected a supreme general, whose Sabellic title *Embratur*, when moulded into a Latin word, was used to designate a commander-in-chief. We find it on the Samnite denary during the Social war, applied to C. Papius Mutilus. By Livy the Samnite commander-in-chief is termed *Imperator*, as a Latin one is *Dictator* or *Praetor*. Strabo says [37] that the Lucanians

[336] The Pentrians, the Caudines, the Hirpinians, and the people on the coast from Surrentum to the Silarus: at an earlier period the Frentanians also. But there may have been a still greater number of Samnite cantons, though no mention of them has been preserved. With regard to the Caracenians the matter is very doubtful.

[37] VI. p. 254. c.

during war elected a king: this was the election of an *Imperator*.

The Samnites and the Marsian confederacy, the Samnites and the Lucanians, were hostile to each other: the ancient Sabines and the Picentines took no interest in the affairs of the rest. But the Samnites, even standing alone, would never have fallen before the Romans, if they had enjoyed a similar constitution, and that unity to which the nations of antiquity never attained, except by means of a predominant capital.

THE TUSCANS OR ETRUSCANS.

ABOUT the time of the Persian war, the fears and attention of the Greeks were excited by the dominion of the Etruscans over the Tyrrhenian sea; although Dionysius is mistaken in supposing it to have been after them that the whole west of Italy was called Tyrrhenia by the Greeks: that name belongs to the age of the genuine Tyrrhenians. When they were confined to Tuscany, and even there were dependent upon Rome, their renown past away; and their former greatness was held to be fabulous by the contemporaries of Polybius [338]. In Roman history their importance is limited to the period between the kings and the Gallic conquest: after which they are extremely weak in comparison with the Sabellians. By the Greeks they are mostly mentioned to their discredit, sometimes as pirates, sometimes as gluttons; by the Romans only as diviners and artists. There is no traditional ground for the opinion entertained by the moderns, that, independently of the extensive empire they once held, they were one of the most remarkable nations of antiquity. The ruins of their cities, the numerous works of art that have been discovered, the national spirit of the Tuscans, who lookt upon them as their ancestors, and prided themselves upon them, — even the tempting mystery of a language utterly unknown, — all this has made the moderns pay more attention to them, than to any other of the Italian tribes; and the Etruscans at this day are incomparably more renowned and honoured, than they were in the time of Livy. Unhappily the

[338] II. 17.

interest thus felt has not been combined with an equal degree of judgement and impartiality. Men have not chosen to be content with knowing what their researches could discover: and no other part of literature relating to ancient history contains so much that is irrational, hasty, and unprofitable, as may be found, along with much that is dishonest, in what has been written on the Etruscan language and history since Annius of Viterbo.

I think I have sufficiently explained the origin of those erroneous opinions on the extraction of the Etruscans, which deceived even the Greeks, and which have led the moderns much further astray, in proportion as they were anxious to get a key to the secrets of a buried language. It is enough here to remind the reader, that, from Tyrrhenia's retaining its name after its conquest by the Etruscans, two entirely different races were called Tyrrhenians by the Greeks; the Pelasgians on the coast of Asia, and on the islands in the north of the Ægean, and the Etruscans. The latter had still less title to the name, than the Sabellians in the south of Italy to that of Oscans [339]. Nay, their title was just the same as that of the English to the name of Britons, or that of the Spanish Creoles to the name of Mexicans or Peruvians: indeed the way they acquired it was the very same. Now it being assumed that all the Pelasgians must have come originally out of Greece, hence the story of the migration from Thessaly was invented: and since the Meonians were Tyrrhenians, and it was thought certain at Athens, and among the Ionians, that these Tyrrhenians, as well as those of Lemnos, were of the same stock with the ancient inhabitants of Agylla and Tarquinii; since the Meonians and Lydians moreover were confounded in the selfsame manner as the Tyrrhenians and Etruscans [40]; this gave

[339] See, p. 66, note 206.

[40] The Lydians, a branch of the same family with the Carians and Mysians, were forein conquerors, and barbarians.

birth to the story of the emigration of the ancient Tyrrhenians from Lydia: which story Herodotus, in one of his less fortunate moments, may perhaps have understood of the Etruscans.

Dionysius, though he had not detected the source of the errour, makes a stout stand against the two assumptions, which are both equally fallacious. That the story told by Herodotus had no Lydian tradition to rest upon, he proves by the unexceptionable authority of Xanthus; that, even if there had been such a tradition, it would deserve no credit, by the complete difference of the two nations in language, usages, and religion. His assertion that the language spoken by the Etruscans was one entirely peculiar to themselves, and bore no affinity to any other, would deserve our full belief, even if we had no further evidence on the point; because the Etruscan was then, and indeed long after, a living language, and books in it were read [341]. It is however but too strongly confirmed by all our inscriptions, in the words of which no analogy with the Greek language, or with the kindred branch of the Latin, can be detected, even by the most violent etymological artifices; so that nothing short of some wonderful discovery will ever turn this dead treasure to account [42]. In opposition to the unanimous evidence of the ancients, who assert with equal positiveness that

[341] The verses of Lucretius,

Non Tyrrhena retro volventem carmina frustra
Indicia occultae Divum perquirere mentis,

shew that in his time the Etruscan books were still read in the original, from right to left (*retro*). I will remark by the way that by *indicia mentis* Lucretius means to explain *indigitamenta*.

[42] Among all the Etruscan words said to have been made out, only two, *avil ril, vixit annos*, seem to have been really explained. Yet in this very instance Lanzi struggles against the truth, (T. II. p. 322,) because no shadow of an etymology can be found for *ril* to mean *year*. *Turce* is interpreted ἔτυσε: I should rather take it to be *Tuscus*.

the Tuscan language was distinct both from the Sabine and from the Oscan, an opinion has arisen among the Italian philologers, that all the nations of Italy, any remains of whose languages occur in inscriptions, with the exception of a few nameless races in the south, spoke dialects of the same fundamental language. An unprejudiced investigation, such as we have ample means for carrying on, will convince every one, as it has convinced me, that the Tuscan bore just as little affinity to the Oscan, as to Latin and Greek.

It is in compliance with the evident usage of the ancients, that I here call the language of the Etruscans the Tuscan. Nor shall I scruple henceforward to call the people themselves Tuscans: although *Tuscus* can be nothing but another form of *Turinus*. In the age of Cato the country was commonly styled *Etruria*, the people *Tusci*: *Etrusci* in later times grew to be more usual in books. The old name however must have continued the prevalent one in the mouth of the people. Hence under the later emperors the name of *Tuscia* for the country, which till then had not been used in writing[343]: and hence, since the middle ages, *Toscana*, and *Toscani* for the people. *Etruria* and *Etrusci* presuppose the simple form *Etruri*: and this we may hold to be the name by which the Italians originally designated the conquerors of the Tyrrhenians: although the name both of Tuscans and Etruscans was no less forein to the people than that of Tyrrhenians: they called themselves Rasena[44].

In the age of their greatness, the Tuscans, having

[343] Servius, on Æn. x. 164, finds fault with this word as a novelty.

[44] Dionysius, i. 30. The termination *ena* in Etruscan answers to the Latin *ius*, as is shewn by the gentile names (see note 922): so that the root is *Ras*. This statement of Dionysius however should only be understood with reference to the ruling people: their vassals might retain the old name of Tyrrhenians (see note 342); even though they had exchanged their language for that of the conquerors, like the Christians in Asia Minor.

subdued the ancient Tyrrhenians and the Umbrians, dwelt in Etruria proper and in the country about the Po. The Rætians too and other Alpine tribes were of the Tuscan race, as we are expressly assured by Livy[345]. So, according to Strabo, were the Lepontians and Camunians[46]; perhaps too the Euganeans, who inhabited Venetia before the founding of Patavium. The language of the people of Groeden in the Tyrol, which, mixt as it has been with others, still seems to stand alone in certain roots peculiar to it, may not unreasonably be regarded as a relic of the Etruscan[47]. Mount Brenner formed the northern boundary of the Rætians, and consequently of the Etruscan race. But were these Rætians, as the common opinion would make them[48], Etruscans of the plain, who retired to the Alps on the invasion of the Gauls? We must suppose the vallies of the Alps to have been almost uninhabited, ere this can be conceivable. For a people who had not been strong enough to withstand the Gauls, either in the field or behind their ramparts, would much less have been able, when routed and flying, to wrest the land of the mountaineers from its owners. These regions however were far from being a desert. Polybius speaks of the inroads into Cisalpine Gaul made by the Alpine tribes immediately after the Gallic invasion. So long too as there was still a home to receive the fugitives to the south of the Po or of the Apennines, they would never have moved northward. It would be far easier to conceive,—and Livy's expressions are not adverse to such a supposition[49],—that the Etruscans on the

[345] v. 33. The spelling *Rhaeti* with an *h* is contrary to all good authority.

[46] He says, they are of the Rætian race, IV. p. 206. b

[47] Hormayr, Geschichte von Tirol, p. 139. foll.

[48] Mentioned by Pliny, III. 24, and Justin, XX. 5.

[49] v. 33: after saying that the first abodes of the Etruscans were on the coast of the Lower Sea, and that from thence they had

Po had occupied the mountains as a bulwark against irruptions from the north; as Theoderic planted a colony of Goths in the land of the Breones. A rich people may seize even upon barren mountains from ambition, or may occupy them for the sake of security: but that it should send out colonies sufficient to drive out the old inhabitants, when more smiling regions are inviting it [350], implies the existence of an extensive and absolute authority, such as seems quite out of the question in a state consisting of cantons, like the Tuscan.

If Rætia on the other hand was one of the original homes of the Etruscan people, from which they issued and spread, first in upper Italy, and then to the south of the Apennines, it is very conceivable that, when those migrations took place, a great part of the nation might stay behind, because, as the Arragonese said in the introduction to their laws [51], they were unwilling to exchange their rocky soil for a fat land, lest in leaving their home they should leave their freedom and their virtue: and to these, to the house of their fathers, many of the lost sons may have returned, when the days of their prosperity were gone by. Even the harshness of the Etruscan language, which seems to be still surviving in the Florentine dialect, might be urged as an argument for their having come from a mountainous country. For, unintelligible as are the contents of the Etruscan inscriptions, they still bear unequivocal marks of such a character. A nation too in whose language consonants were not the predominant sounds, would scarcely have adopted the oriental custom

founded twelve colonies to the north of the Apennines, he proceeds: Alpinis quoque ea gentibus haud dubie origo est, maximeque Raetis.

[350] Such as the plains and hills of the Venetians, which the Tuscans did not take possession of, and the conquest of which could not have been rendered so difficult even by a large population and by fortified towns, as that of Rætia was by nature and by its people.

[51] Mirabeau, Essai sur le Despotisme, p. 238.

of dropping the short vowels in writing. Moreover we have historical statements, as authentic as can be required for those times, which testify that the spreading of the Etruscans toward the south took place only by degrees.

In a very ancient history of the Umbrians it was related that the Etruscans had conquered three hundred of their towns [52]. So that the Umbrians must at one time have occupied the chief part of the countries which belonged to the Etruscans at the summit of their power. It may be said, that this refers to the land between the Alps and the Apennines; since, until the irruption of the Gauls, the Umbrians retained some territory between the Apennines and the Po. And this was certainly a part; but so likewise was Tuscany, where we find the ancient towns of the Umbrians low down on the left of the Tiber, and where they once dwelt as far as the Anio. Even Micali [53], though he would not part with the persuasion that his country was the cradle of the Etruscan people, observes that the river Umbro, at the mouth of which was a district called Umbria, mentioned by Pliny [54], reminds him of the Umbrians. In the story of the Lydian migration, Pisa and the whole country to the rocky summits of the Alps are wrested by the Tyrrhenians from the Umbrians: and Pliny says, the Umbrians were the oldest inhabitants of Etruria, and were expelled from it by the Pelasgians [55]. Though it may still be denied that Herodotus pronounces Cortona not to have been an Etruscan city, or supposed that he is mistaken if he

[52] Pliny, III. 19. We may be quite certain however that none of the numbers in the Italian traditions will less admit of being taken literally than this: it merely means that there were a great many of them.

[53] T. I. p. 58: compare pp. 106, 107. [54] III. 8.

[55] Lycophron, v. 1359-61. Herodotus, I. 94. Pliny, III. 8. Even Cluver, though his opinions in other respects are very different from mine, considers Tuscany as only a later conquest of the Etruscans.

does so; yet Cære, Graviscæ, Alsium, Saturnia, were occupied by the Etruscans as conquerors, after driving out the people who in Italy bore the name of Siculians, in Athens of Pelasgians and Tyrrhenians[356]. Tarquinii too had belonged to the Thessalians, Perusia to the Achæans; that is, both to the Pelasgians[57]. The founding of Clusium is ascribed to Telemachus[58], and thus referred to Circe's Latins. Populonia, according to some, was a colony of the Volaterrans, who had driven the Corsicans from this coast[59]. Among the places which the Etruscans wrested from the Pelasgians, Dionysius mentions Pisa[60]: that it was not originally an Etruscan city, lies at the bottom of the statement of its being built by Greeks after the taking of Troy. And allowing this story to be derived from the Greek look of its name, yet Cato too held that the Tuscans were not its first inhabitants[61]. From him, or from Varro, Dionysius undoubtedly borrowed his accounts of the spreading of the Etruscans toward the Tiber. But all statements, however probable in themselves and well attested, were made to give way to the tale of a Lydian extraction. For by this the first settlement of the new-comers was of necessity placed on the coast of the Lower Sea; which is also assumed by Lycophron: and thus grew up the opinion, which in Livy passes for certainty, that Tuscany was the original home of the Etruscans, whence they moved northward across the Apennines and toward the Alps. I will not dissemble, that two Latin writers of Etruscan history, Flaccus and Cæcina, unquestionably related, that Tarchon came from the south of the mountains, and built the twelve northern cities, Mantua among the rest[62]. But

[356] Dionysius, I. 20, 21. Strabo, v. p. 225. d.

[57] Justin, XX. 1. See above, p. 30. n. 69.

[58] Servius, on Æn. X. 167.

[59] Servius, on Æn. X. 167.

[60] I. 20.

[61] In Servius, on Æn. X. 179.

[62] Schol. Ver. on Æn. X. 198: compared with Servius.

as we find Tarchon here, that is, Tyrrhenus and the Meonian fable, this is worth no more than the Patavine story of Antenor in Livy. What the native annals of the Etruscans related of their origin, we know only negatively; so far as that they said nothing of the Lydian legend. Among a priestridden people like the Etruscans, the annals must have been in the hands of the priests, as they were even at Rome in those of the pontiffs; and since they deemed Etruria the favorite land of the gods[363], it was natural that they should boast to have been its primitive inhabitants.

At no time did the Etruscans possess the whole of Cisalpine Gaul. Westward their territory extended only to the Ticinus, where in those days Ligurians were dwelling, having been driven back by the Gauls. The land south of the Po too, nearly down to Parma, belonged to the Ligurians, or was uninhabitable from its swamps. Romagna was in the hands of the Umbrians, who kept it till the Gauls broke in. But in the country between the Venetians and the Gauls, some Etruscan towns maintained themselves, until they yielded to the Romans: Verona is termed by Pliny a Rætian, Mantua by him and by Virgil a Tuscan city[64]. Thus Etruscan cities gave birth to the most genial and the most elaborate of the Roman poets. Both these may be clast among the twelve Tuscan towns to the north of the Apennines; which number decidedly included Hatria, Melpum, and Felsina. The first of these, once eminent for its commerce, gave its name to the Upper Sea. Melpum, a very rich town in the Milanese, to the north of the Po,

[363] Vegoja, among the fragments of the Agrimensores, Goes. p. 258. Scias mare ex aethere remotum. Cum autem Juppiter terram Hetruriae sibi vindicavit, &c.

[64] Pliny, III. 23. Virgil, Æn. x. 199-203. So likewise by Flaccus and Cæcina. As to Verona, we have certainly to choose between this statement, and that which assigns it and Brixia to the Cenomani. See the notes on Livy, v. 35.

was destroyed by the Boii, Senones, and Insubres, on the day that Camillus took Veii, in the year 358 [365]. Bononia, under the name of Felsina, was at one time the capital of Etruria [66]: this too seems to argue that the nation did not spread from the south of the Apennines.

The twelve cities south of the Apennines, which were united in a confederacy as soverains of their respective districts, frequently as their number is mentioned, are nowhere enumerated by name; and it is doubtful, which, among several claimants to this pre-eminence, must yield to the others.

When Livy is relating how the allies volunteered to forward Scipio's armament, he says, the Etruscan states promist to support him, each according to its means [67]; that is to say, they all did so: afterward however he only mentions eight cities, and what each supplied. These were Cære, Tarquinii, Populonia, Volaterræ, Arretium, Perusia, Clusium, Rusellæ: that any would withdraw is incredible; but a writer so hasty might easily omit some. Of the towns unquestionably belonging to the number of the soverain twelve, Veii and Vulsinii had been destroyed: and Vetulonium had disappeared, a city never mentioned in the historical age of Rome, and but once in the legends; in the story, which Livy has entirely overlookt, of a protracted war carried on by Etruria against Tarquinius Priscus and the Romans [68]. Populonia, being a colony from Volaterræ, was not one of the original twelve cities: it can only have come into the room of an extinct one. Now if our topography be correct in putting Vetulonium near it, then Vetulonium, which appears from report to have been powerful in early times, supposing its destruction to have been one of those ancient events in Etruria of which no record remains, may have been merged in

[365] Pliny, III. 21.

[66] Pliny, III. 20.

[67] XXVIII. 45. Etruriae populi pro suis quisque facultatibus consulem adjuturos pollicitI.

[68] Dionysius, III. 51.

the neighbouring city of Populonia, as Himera was in Thermæ. Thus the number of the twelve Achæan cities, whenever it fell short, was made up: and thus we find at different epochs that there were always thirty Latin cities, and seven Frisian provinces; the whole number being preserved; though with some new ones amongst them, to replace such as were extinct or lost.

A century earlier Cortona is called by Livy one of the chief places of Etruria[369]. Hence we are the more surprised to miss her when he enumerates those eight. Now she may indeed have had just as little to do with the Etruscans as Falerii had; and he may have been misled by her situation. But his statement may also be well founded; and yet the one in Herodotus, which goes 120 years further back, may be no less so: if we conceive that meanwhile, after having long stood solitary and abandoned, she had at length fallen, and been forced to receive an Etruscan colony; which then, as seems to have been the case with Populonia, stept into the place of some lost city, probably of Veii. The omission of her name however in Livy cannot be accounted for as a mere piece of carelessness, either in him, or in the historian whom he was following. The last years of the Etruscan war, the narrative of which was contained in the eleventh book of Livy, are covered with an obscurity quite impervious. If Cortona was forced at that time to submit to Rome, before the general peace, she would obtain no share in the terms by which such places as still held out were recognized as states, though under the supremacy of Rome. In that case her condition must have been very different from that of those eight cities. Perhaps she was admitted to the inferior franchise; as the Etruscan town of Saturnia undoubtedly was about the same time.

Whatever conjecture we may form on this point, two

[369] IX. 37. A Perusia et Cortona et Arretio, quae ferme capita Etruriae populorum ea tempestate erant.

places seem to be still wanting to complete the number of twelve. Whether it was made up by Capena, or by Cossa, or by Fæsulæ, is a question that cannot be answered with certainty. It may even have been a people different from all three, one of whom in our scanty sources of information about Etruria we find nothing but the name, as is the case with the Salpenates [370], or of whom the very name is lost.

Capena in the year 550 could certainly no longer be counted among the Etruscan towns; for the Capenates, that is, assuredly not merely some individuals who had gone over to the Romans, had already been enjoying the full rights of Roman citizens for 180 years *. Previously they had waged war by themselves against Rome: and though I think I can make out in an extremely disfigured and obscure statement derived from Cato, that their city was a colony from Veii, and their ancestors a generation bound to emigrate by the vow of a sacred spring [71], they might still be an independent state. I have before mentioned the analogous case of Populonia.

But while in this instance everything is uncertain, there are pretty good grounds for excluding the pretensions of Cossa. Pliny calls it Cossa of the Volcientes [72]. This, combined with the mention of a people bearing almost the same name, the Volcentes, who are spoken of along with the Lucanians and Hirpinians †, is a substantial ground for conjecturing that the original inhabitants of Cossa were not Etruscans, but had kept their ground against the Etruscans. It is true, that at all events this city could not be mentioned by Livy

[370] Livy, v. 31. * Livy, v. 4.

[71] In Servius, on Æn. VII. 697. Hos dicit Cato Veientum condidisse auxilio regis Propertii, qui eos Capenam cum adolevissent miserat. There must be a gap after Veientum: the words dropt may have been *juventutem fuisse, oppidumque.*

[72] Cossa Volcientium, III. 8. In the Fasti Triumphales the name is spelt *Vulcientes.* † Livy, XXVII. 15. See p. 70.

on occasion of Scipio's expedition; for it had long since been transformed into a Latin colony *. The ruins of its walls, which are far beyond the dimensions of a colony, belong to an earlier age: but they prove nothing as to the nation that built them; for the style of their architecture is not confined to the Etruscan towns.

The walls of Fæsulæ, its theatre, and other ruins that have come to light there, display a greatness not inferior to that of any other Etruscan city. Moreover it is probable that here as elsewhere Sylla would settle his colony in the centre of a great territory, and not by the side of a dependent town. Indeed the only ground for its being doubtful whether the parent of Florence was one of the twelve cities, seems to me, that we must then suppose Livy to have overlookt her: which in this case strikes us as quite impossible. From her remote situation it is incredible that her fall should have been prior to the general peace.

The territory belonging to each of the soverain cities contained several provincial towns, some of them dependent colonies, others inhabited by subjects, the descendents of the old subjugated population. It was because the Etruscan state was founded on conquest, that the nobles had such a multitude of clients, like the Thessalian Penestæ[373]: whom they employed in taskwork, and without whom their colossal works could hardly have been achieved. At Rome the relation between the patron and client was the feudal system in its best form: but even if there was a similar conscientious principle among the Etruscans, binding the patron, and protecting the client, still it was on her free plebeian estate that the greatness of Rome rested; and none such, it is clear, existed in any Etruscan city. We do indeed find a slight allusion, which might be considered as indicating that there was a popular assembly

* Livy, XXVII. 10.

[373] Dionysius, IX. 5. οἱ δυνατώτατοι τοὺς πενέστας ἐπαγόμενοι.

at Tarquinii, distinct from the general body of the ruling houses [74]. And this trace certainly is not to be overlookt: but who will warrant us, that the Roman writer followed by Dionysius, in a narrative where all the details must be a late embellishment, did not merely transfer the relation between the Roman curies and commonalty to Tarquinii? This is far more probable than that he should have known and paid attention to the constitution of Tarquinii [75].

It was not by popular assemblies, nor even by deliberations of a numerous senate, but by meetings of the chiefs of the land, the Magnates (*principes Etruriae*), that the general affairs of the nation were decided upon [76]. We are not to imagine that the meetings at the temple of Voltumna were of any other kind, or corresponded with the institutions of nations really free, such as the Latins and Samnites. These Etrurian chiefs were the persons from whom the young Roman nobles received instruction in the sacred sciences of divination [77]; a warlike sacerdotal caste, like the Chaldeans: these were the Lucumones by whose ancestors the revelations of Tages had been committed to writing [78]. If the conduct of the priests at Tarquinii, in sacrificing captives, dressing themselves up like infernal spirits, and hurling snakes and burning torches at the enemy, was common among them, it was natural that the name of such fanatics and juglers should be transferred to lunatics and madmen [79]. They were patricians, not kings. Lucumo of Clusium, Lucumo who

[74] Dionysius, v. 3. *πείσας τὰ γένη* (so the Vatic. MS.) *τῶν Ταρκυνιτῶν, καὶ δι' ἐκείνων ἐπὶ τὴν ἐκκλησίαν παραχθείς.*

[75] The same applies, and still more strongly, to the mention of the plebs at Arretium, in Livy, x. 5.

[76] Livy, x. 16. Postulaverunt Samnites principum Etruriae concilium. Quo coacto, &c.

[77] Cicero, de Divin. i. 41. de legg. ii. 9. Valerius Maximus, i. 1, 2.

[78] Censorinus, 4, at the end.

[79] Fest. Epit. 5. Lucomones quidam homines ob insaniam dicti.

brought succour to Romulus, Lucumo in fine who removed from Tarquinii to Rome, were represented in the old traditions as only leading men in their several cities. The Cilnii, the Cæcinæ, were Lucumones, as the Claudii and Valerii were patricians: the former were no less noble than the latter by birth, though as Romans accounted only among the commonalty.

These ruling houses were exposed to those violent revolutions, by which an oligarchy is everywhere threatened, even from the midst of its own body, wherever it is not upheld by some powerful protection from without, open or dissembled. About the middle of the fifth century the house of the Cilnii were expelled from Arretium by force of arms; as the factions of the noble houses in Tuscany banisht each other by turns in the middle ages. It was also in the spirit of such calamitous feuds, for the refugees to be restored by the mediation of the public enemy, the Romans [380]. When the latter however exiled the whole house of the Tarquins, the rigour of that sentence was not to be mitigated by any forein intercession.

Even so late as in the second Punic war, we find the government of the Etruscan cities vested exclusively in the senators, that is, in the nobless. In the south of Italy, where the supreme power was everywhere shared between the senate and the people, we know what were the sentiments of both orders at that crisis. In Etruria, when a ferment began to shew itself, it was entirely supprest by securing the submission of the senate at Arretium: the people are quite out of the question [81].

This want of a free and respectable commonalty,—which the Etruscans, obstinately retaining and extending their old feudal system, never allowed to grow up,—was the occasion of the singular weakness displayed by the great Etruscan cities in their wars with the Romans, where the victory was decided by the number and strength

[380] Livy, x. 3. 5. [81] Livy, xxvii. 24.

of the infantry. The same want led to the dominion of the serfs at Vulsinii; the story of which, as related by the meagre writers of doubtful credit who are our historical sources for the period of this strange phenomenon, sounds no less incredible than horrible *. If that account be true, nothing worse can have been exhibited either in the time of the Anabaptists, or by a negro insurrection. But writers who could persuade themselves that the citizens of Vulsinii, in order to abandon themselves without interruption to voluptuous indulgences, would commit their arms and the government to their slaves, are not to be trusted implicitly as to the horrours said to have ensued. Some report about a very unusual state of things in an Etruscan city had been fabulously exaggerated by Greek writers [382]; and their fictions were foolishly adopted by the Roman. Moreover it was necessary that those, for whose extermination Rome took up arms, should be represented as extremely criminal. Nor was the virulence of party-spirit without its influence. The marvel disappears, as soon as we perceive that the insurgents must have been serfs, not domestic slaves [83]. They had

* Valerius Maximus, IX. 1. Orosius, IV. 5.

[382] The treatise De Mirabilibus, inserted among the works of Aristotle, and written about Ol. 130, in which, as I have already observed (p. 20), a great deal is borrowed from Timæus, tells us (p. 123, ed. Sylb.) of a Tyrrhenian city *Οἰναρέα*, which submitted to be governed by its slaves. This must undoubtedly mean Vulsinii, whether the author or the transcribers distorted the name. Had the supreme power fallen into the hands of domestic slaves who had been emancipated, — and a Greek could scarcely help regarding the Italian clients as such; for the Thessalians did not write books,—the matter would certainly belong to the class of marvellous stories. But it is a historical fact, and so requires a rational interpretation.

[83] Nor was it on their domestic slaves that the Argives conferred the right of citizenship, after their city had been desolated by the disaster in the Hebdoma (Herodot. VI. 83). It was assuredly on the Gymnetes, their serfs: see the lexicographers quoted by Ruhnken, on Timæus, v. *πενεστικόν*. Aristotle, instead of slaves, calls

been armed by the ruling class in the Roman war. Through their aid Vulsinii, when deserted by most of the other towns, alone of all the Etruscan cities carried on an honorable struggle for many years against Rome: and in a fortunate moment she obtained respectable terms *. For the defenders of their common home to become citizens, was a matter of course. For them to extend their right of citizenship to a right of inheriting from and intermarrying with the old citizens, and to a seat in the senate, was no less so. Nor do the complaints against them in reality amount to more than this, when stript of the colouring originally laid on by party-hatred, and monstrously overcharged by silly declamation. The serfs, on becoming masters, may have been guilty of excesses. But what credit for candour can we give to men who called down destruction on their native city, because they were unwilling to allow their fellow-countrymen an equality of rights? choosing rather that their country should cease to exist, than that they should have to share the rule of it with others. The same national impotence, the same necessity for the precipitate liberation of those whom they opprest, the same general ruin, were the Roman patricians bringing on, without knowing in their folly what they were doing, when they persisted in keeping the commonalty in servitude, and denying them their equitable rights.

The part taken by the Etruscans in the war of Sylla was the act of the whole people. The Roman franchise was enjoyed by every free man without distinction, however the old but now expiring constitutions excluded or

them περίοικοι: Polit. v. 3. 133. a. There are numerous traces among the Greeks of an ancient separation between those who afterward composed the demus, and the burghers, caused by the bondage of the former in early times: for instance, when the Samian demus, after overpowering the aristocrats, deprived them of the right of intermarriage (Thucydides, VIII. 21); which must evidently have been an act of retaliation.

* Livy, X. 37.

restricted him at home. From this war we may see how great Etruria would have become, if all the Etruscans had had a country some centuries earlier.

The regal office, not hereditary in a single heroic family as in Greece, but elective for life like the Roman, continued at Veii until its fall[384]. At Arretium a king may often have been taken from the house of the Cilnii[85]. A common highpriest was appointed by the twelve cities, and presided at the national festivals[86]. In enterprises of the whole body the supreme command was committed to one of the twelve kings, who received a lictor from each city[87]. Even Porsenna, highly as he is celebrated in the old poems, is in Roman history merely king of Clusium. Yet the power of the whole nation is set in action by him: and in earlier times a union seems occasionally to have been effected by the power of a supreme chief. Thus all the twelve cities pay homage to Tarquin *, considered as a Lucumo; and the same thing is implied in the legends of Mezentius and Cæles Vibenna. But from the time when Roman history assumes the form of annals, the cities stand insulated; uniting only casually and transiently. Yet loose as was the federal bond in Etruria, it was by this that wars between the cities, of which we do not find a single trace, were prevented.

Such being the nature of their association, the islands of Ilva and Corsica must have been under the dominion, not of the whole nation, but only of the adjacent maritime cities[88]. Thus too the Agyllæans stood alone, when,

[384] Livy, v. 1. Had he recollected that he had spoken of Lar Tolumnius as king of Veii but 34 years before, he would not have lookt upon this election as a novelty.

[85] Tyrrhena regum progenies.

[86] Livy, v. 1. [87] Livy, i. 8. Dionysius, iii. 61.

* See the text to note 890.

[88] Ilva would belong to Populonia; and so the furnaces for its iron ore must have lain within the territory of that city. The Greeks received the story, that no ore could be smelted in that island (see

about 220, while they were still Tyrrhenians, they attackt the Phocæans of Alalia [389], to dispute the possession of Cyrnus. In order to punish the piracies of the maritime cities, the Syracusans overran both these islands in 299 [90]: and the same must have been the cities to which Corsica is said to have paid tribute [91]. The Tuscan colony of Nicæa in this island was perhaps an old one settled there by the Tyrrhenians; and from them assuredly came the Greek name of Ilva, Æthalia. The Tyrrhenians mentioned among the ancient inhabitants of Sardinia, were unquestionably Pelasgians.

The same Tyrrhenians too, and not the Etruscans, must have been the people by whose piracies the western seas were made impassable for peaceful mariners, before the founding of the Greek colonies in Sicily [92]. Their piracies were assuredly the principal cause that compelled the Phocæans to employ gallies in their voyages to Tartessus *. Subsequently all the corsairs of the Lower Sea, even the Antiates, seem to have been regarded by the Greeks as Tyrrhenians. But even if the Etruscans have had to answer for more than they were guilty of, still they fully deserved to be stigmatized and hated as pirates.

Varro, quoted by Servius, on Æn. x. 174; Strabo, v. p. 223. d.) as a marvel: yet even at this day it is never smelted there; because there must be a transport either of coal or of the ore, and the latter is the more convenient: just as the copper ore is conveyed from Cornwall to Wales.

[389] Herodotus, I. 167. The Tyrrhenians stone their prisoners; the Agyllæans are chastised by heaven: can Herodotus have supposed that the sin of only one people was visited by the gods, and that others equally guilty were left unpunisht? That Agylla had not yet become Cære, is clear from her consulting the Delphic oracle: the Etruscans would have been content with their own aruspicy. The treasury of the Agyllæans at Delphi must belong to the time when they were Pelasgians.

[90] Diodorus, XI. 88.

[91] Diodorus, v. 13.

[92] Ephorus, cited by Strabo, VI. p. 267. c.

* Herodotus, I. 63.

Agylla (Cære) was alone exempted from the general opprobrium [93]. About 250 a station of armed ships was established by Anaxilaus of Rhegium, near cape Scyllæum, to blockade the straits against their corsairs [94]. As Etruria was then at the summit of its greatness, the Tuscans had the command of the whole Tyrrhenian sea, and sent out large fleets on naval expeditions. In 278 the protection of Hiero king of Syracuse was invoked by Cuma against them [95]. By the great defeat which their navy then sustained, their maritime power seems to have been broken, as Pindar prayed that it might be [96]. For the naval armament of the Syracusans in the year 299, which conquered Ilva, and ravaged the Tuscan coast and Corsica, was not encountered by any Tyrrhenian ships: it was by bribery that Etruria got rid of the Greek fleet [97]. Nor did any naval force shew itself in 368, when Dionysius, under the pretext of punishing the corsairs, appeared on the coast of Cære with only sixty triremes, and plundered Pyrgi [98]. But in 448 a Tuscan squadron of eighteen ships came to the assistance of Agathocles [99]; probably corsairs. For about that time their piracies extended even into the Ægean, where the naval power of Athens had sunk, and that of Rhodes was only beginning to rise. By destroying the Etruscan pirates the Rhodians earned the gratitude of the Greek nation [100]. This meritorious exploit seems to have been achieved in the time between the death of Agathocles and the expedition of Pyrrhus: for from a prince like the former, pirates were sure to find protection at the price of sharing their booty with him; and their piracies assuredly were not tolerated by the Romans, any more than those of the Antiates.

[93] Strabo, v. p. 220. c.
[94] Strabo, vi. p. 257. a.
[95] Diodorus, xi. 51.
[96] Pyth. i. v. 137-141.
[97] Diodorus, xi. 88.
[98] Diodorus, xv. 14.
[99] Diodorus, xx. 61.
[100] Æl. Aristides, Rhod. ii. p. 342. a. p. 399. d. ed. Cant.

Indeed it is probable that they were bound to deliver up all their ships of war by the treaty: since it was from the Greek cities of southern Italy that Rome obtained her few triremes and fifty-oar gallies at the beginning of the first Punic war [401].

Treaties between the Etruscan maritime cities and Carthage were subsisting so late as the time of Aristotle; whereby, as in that with Rome preserved by Polybius, the right of commerce was regulated, restricted, and secured. If they also contained stipulations about giving assistance [2], these can only have been valid against nations not included in similar alliances: else Carthage could not have continued for centuries on terms of friendship with Rome. Perhaps however the assistance was confined to the allowing levies to be raised. In the year 443 there were a thousand Etruscan mercenaries [3] in the Punic army in Sicily. So too, when Pyrrhus was in that island, levies were made in Italy for the Carthaginians: but Rome did not send any auxiliaries.

Their fruitful land, rich in internal treasures, supplied abundant materials for the commercial spirit of the Etruscans: and there was a time when Tuscany must have been the staple of commerce for the countries on the Mediterranean, the other nations of Italy, and the remotest barbarian tribes; with whom there was a communication secured from molestation by a high-road across the Alps [4].

The works of the Etruscans, the very ruins of which astonish us, cannot, it is quite clear, have been executed in small states, without taskmasters and bondmen. But we must not overlook the great superiority of the Etruscan rulers in this point to the Egyptian. All their works that we are acquainted with, have a great

[401] Polybius, I. 20.

[2] Aristotle, Polit. III. 9.

[3] Diodorus, XIX. 106.

[4] As far as the Iberians. Pseud—Aristot. Περὶ θαυμ. ἀκουσμ. p. 102.

public object. They are not pyramids, obelisks, and temples, multiplied without number. If the people suffered in its hard service, it was not for idle purposes[405]. So too, and by means of like taskwork, did Rome build, when governed by Etruscan kings. After she became free, all great works were at a stand, until the republic had grown rich by its victories and conquests: and when compared with her oldest works, and with those of the Etruscan cities, the buildings of imperial Rome make but an inconsiderable figure. The walls of Volterra and of other capitals are constructed of huge blocks, and, so far as they have not been studiously demolisht by hostile violence, still subsist in imperishable solidity. The theatre at Fiesole, and a colossal building near it, are on an equally grand scale. This style however is not peculiar to the Etruscans. It prevails in all the monuments of Latium and ancient Rome, from the cell of the temple at Gabii, to the wall round the Forum of Augustus. The probability is rather that it was derived by the Etruscans from the earlier inhabitants of Etruria.

The largest part of Tuscany is mountainous: the rich valley through which the Arno flows, was anciently a lake and swamp. There was a lake from Segna to below Fiesole, and toward Prato: the valley was blockt up by mount Gonfalina: this rock has been cut through, and a passage opened for the stream toward Pisa[6]. When the walls of Fiesole were built, this whole extent was

[405] I grant, no expenditure was ever squandered so lavishly by the Egyptians, as that which must have been laid out on the sepulcre of the mythical hero Porsenna, if we might rely on the description of it which was taken by Varro from native books. Pliny's expressions (XXXVI. 19. 3, 4) shew that no trace of it can have been visible in his time: yet so colossal an edifice must have lasted undamaged down to this day: so that it can be nothing but a dream. Indeed a building like the one described by Varro is absolutely impossible, and belongs to the Arabian Nights.

[6] Of this even Giovanni Villani was aware: I. 43.

still filled with water; as is proved by the apertures for drains[407]. The water covered the site where Florence now stands[8]. To refer that city to the Etruscan age is a notion utterly untenable. But there has also been a cut made near La Incisa, to redeem the rich fields of the upper Val d'Arno from the water: unless it was into the Clanis that the streams, which now form this part of the river, discharged themselves of yore, and the purpose was to lessen the quantity of water in the Tiber. The swamps through which Hannibal marcht*, are those which have now been drained on the right bank of the lower Arno. In those days they may have served as a barrier against the Gauls and Ligurians. Perhaps they had been drained in an earlier age, and had afterward been abandoned for that purpose to the irruption of the waters. On the Po, in the neighbourhood of Hadria, the art of turning off muddy rivers had been practist by the Etruscans with success. Such rivers, if kept shut up between dams, are continually raising their beds; so that after the lapse of centuries they stand on a level far above that of the adjoining country. Hence it becomes necessary to raise the dykes in the same proportion; until the perseverance of man is at last exhausted in the unequal contest with the powers of nature. Now one among the useful arts carried on by the Tuscans in our days, is that of diverting such waters into marshes, in order to draw them off again, when the fertilizing deposit has been secreted. By this system the Chiana has gradually been converted from a barren pestilential swamp into a rich plain. Where a delta however has begun to form, in the Po, as in the Nile and the Missisippi, standing waters will collect between the

[407] The peasant who guides strangers there, has been led by his plain sense to find this out.

[8] Hence the dreadful inundations the city experienced in the middle ages. The ground now has been much raised.

* Livy, XXII. 2.

arms of the river, and its mouths are protruded into the sea: and the further the mouths advance and diverge, the broader and deeper do the lakes and inland seas made by these waters become. It is with reference to the overlaying of swamps like the Chiana, a process which at the same time keeps the bed of the river from growing higher, that we must understand Pliny's statement, that the stream of the Po had been guided by the Tuscans into the morasses of the Hadrians[409]. Similar works are needed there at this day. The channels too, by which the Po discharges itself, were dug by the Tuscans, or by their subjects: and their canals and dams were the means by which its delta was constructed. Another method in use amongst them for gaining land, consisted in letting off lakes, formed in the craters of extinct volcanoes, by tunnels cut through the sides of the hill. In the territory of Perugia, and in the Suburbicarian Tuscia, there are traces of many such lakes, which are completely dried up: the tunnels are unknown and never cleared out, but still work.

The renown of the Etruscans, as a nation peculiarly eminent in the arts, is so firmly establisht, that I cannot expect a favorable reception for the conjecture, that the works in bronze and clay and the bas-reliefs attributed to them were the produce, not of the ruling people, but of their subject bondmen, and that the Etruscans, properly so called, were no less alien from the arts than the Romans. Yet I believe that the reason of the striking difference we observe between the works of Tarquinii and Arretium, is that the earlier inhabitants of northern and southern Tuscany were of different origin. The works peculiar to Volaterræ were occasioned by its stone-quarries. But the two former cities wrought in clay. The produce

[409] Pliny, III. 20. Omnia ea flumina fossasque primi — fecere Thusci; egesto amnis impetu per transversum in Atrianorum paludes.

of Arretium was red vases with very graceful figures in relief, of a style altogether peculiar[410]: those of Tarquinii were painted, and in colour and drawing are exactly like some discovered near Corinth, and engraved in Dodwell*; while they differ from the Campanian in all the same particulars as the Greek. These are only found in the district of Tarquinii: where they occur, those of Arretium are never met with. Their striking resemblance to the Corinthian vases reminds us of the story of Demaratus, and his companions, the potters Euchir and Eugrammus[11]; which is clearly meant to express that from Corinth Tarquinii derived her skill in handling clay, and the elegance of her drawing on her vases. This implies the existence of a peculiar intercourse with Greece, like that carried on by her neighbour, Agylla.

The Etruscan statues in the earliest ages were of clay; like the four-horsed chariot on the Capitoline temple, said to have been set up at the time of its dedication. But the statues belonging to the first ages of Rome, several of which were long preserved, were probably uniformly of bronze[12]: and this is the material of all the masterpieces that shed lustre on Etruscan art.

To deny that this art owed its refinement to the Greeks, is extremely idle. Its original rudeness is proved by works of a very early date: and to the Greeks alone was that idea revealed, by which the human body is fashioned into life and beauty. From their spirit proceeded the spark, by which genial natures have been

[410] Works of this kind were still executed in the time of Augustus, when the art of making the Campanian vases was wholly lost.

* Tour through Greece, II. 196.

[11] Fictores: Pliny, XXXV. 43.

[12] The marble works in the oldest style, whether statues or basreliefs, which are called Etruscan, are probably all Greek: for the quarry at Luna was not workt till very late. So long as bronze was not too dear, casting must have been preferred to the far more difficult process of sculpture.

kindled in every genial people. Hence the subjects of the most beautiful Etruscan works of art often belong to Greek mythology: but, having once been enlightened, the Tuscans were also able to treat their own conceptions in the spirit of Greeks. One thing that strikes us, as though it were a national characteristic, is the exceeding accuracy of their drawing, though often without any regard to grace; exactly like what we see in the Tuscan painters at the revival of art in the middle ages [413].

Even supposing that the artist who executed the she-wolf of the Capitol, was not an Etruscan, still in this work, which has no counterpart among those of the Greeks, we clearly see what Etruscan art must have been about the middle of the fifth century. And this must probably have been the age of their finest gems. Whatever is in a tamer, more delicate, and softer style, belongs to a later, in part to a much later period. In the two centuries between the time when Etruria became dependent upon Rome, and the age of Sylla, the arts must have been very flourishing: the people were living in profound peace and great wealth: and the prosperity of the country was only disturbed by two storms which past rapidly over; in one campaign of the Cisalpine war, and in the second of that with Hannibal.

Tuscan art had no national heroic story to work on. Like that of other countries, it sought for subjects in the mythology of the Greeks: and thus the stories of Thebes and Ilium must have been familiar to the people. That Greek poems found readers in Etruria, is not to be questioned. The West, and Carthage itself, were open to Greek literature. The obscure Sicanian town of Inycum

[413] On this point Micali's work is very valuable. The reader may look in it at the engravings of Etruscan bas-reliefs, particularly at pl. 28, for the countenances. The idea of pl. 23, which is unlike anything Greek, and its execution, are exceedingly fine. The genius of death in pl. 44 is a perfect cherub.

was not the only place in these parts, where the Greek sophists made money[414]: and in earlier times a rhapsodist must surely have been still more welcome. When even the Romans were reading Greek, the study would certainly be much more general amid the quiet of Etruria. Nor was it in a forein language alone that the Greek stories were listened to. The works of art are not unfrequently inscribed with the names of the heroes, altered however to suit the forms of the Etruscan language. This is an unequivocal proof that they lived in the speech of the nation, and in poems in the native tongue. Varro moreover mentions some Tuscan tragedies by Volnius, who, from his way of speaking of him, seems to have lived not long before[15]. These tragedies may indeed have been a mere exercise of ingenuity, with which the nation had no concern. But on the other hand the theatre at Fæsulæ is a proof that Greek plays, either originals or translations, were acted there, as they were in Latium at Tusculum and Bovillæ: else the construction of such a building in the Greek form would be unaccountable. That this theatre was built before the time of Sylla, is indubitable: its size and magnificence are far beyond the scale of a Roman military colony: and how could such a colony have wisht for anything but an amphitheatre? There seems moreover to be very good ground for the Florentine tradition, that Sylla's colony built Florence, and did not settle on the hill. In no Etruscan inscription however do we find anything bearing the slightest resemblance to the Greek metres, which could not have escaped detection, even in a language totally unintelligible; nor indeed anything that has the least semblance of verse.

[414] Plato, Hipp. p. 282. c.

[15] Varro de l. L. IV. 9. p. 17. Ut Volnius dicebat, qui tragoedias Tuscas scripsit. *Volnius* is the reading of the Florentine MS. *Volumnius*, the common reading, is one of the corruptions introduced by Pomponius Lætus.

The town from which the Fescennine dialogue took its name, belonged to the Faliscans, not to the Etruscans [416].

The Roman music was derived from Etruria: their stage-singers too came from thence. Like the minstrels in the middle ages, the Etruscan *hister* danced and sang to instrumental music, which kept time with the verse, without any regular measure. Stringed instruments occur here and there on the monuments: but the proper native instrument was the flute.

The Etruscan characters were formed, like the Greek, from that one, among the various alphabets of different origin found in Asia, from which all the modes of writing used in Europe are derived. That the Etruscans received it immediately from the Phenicians, would not be proved by their custom of proceeding from right to left. But that of omitting the short vowels, and that of noting doubled consonants by a single letter, as is done in all the Aramaic systems of writing, are purely Punic. So is the want of the vowel O; though nothing can be determined from this as to the sound, which the Semitic languages have.

But the Phenicians designated numbers by letters: not so the Etruscans. What we call the Roman numerals, are Etruscan; and they occur frequently on their monuments. They are the remnants of a hieroglyphical mode of writing, which was in use before the age of the alphabetical; and, like the numerals of the Aztecans, they represent certain objects that were associated with particular numbers. They are indigenous, and belong to the time when the West was subsisting with all its original peculiarities, before it received any influence from Asia; to the time when the Turdetanians were forming their alphabet and their literature [17].

[416] Virgil, Æn. VII. 695.

[17]. Strabo, III. p. 139. c. Not however that this literature was six thousand years old. Instead of *νόμους ἐμμέτρους ἐξακισχιλίων ἐτῶν*,

Nor were the profane sciences of Etruria, her medicine, physics, and astronomy, borrowed either from the Greeks or the Carthaginians. Perhaps they were brought by the Etruscans from the North, the seat of their gods[418]. Here we meet with the same extraordinary phenomenon, which strikes us with astonishment in the new world, an extremely accurate method of determining time. This method too, so far as regards the cyclical year, proceeded on the very principles observed by the framers of the old Mexican computation. Very long periods determined with accuracy on astronomical grounds were subdivided, without regard to the phenomena of the moon. Among the Etruscans however there was also a civil lunar year, the cyclical serving only as a correction for it.

Their history, like that of the Bramins and Chaldeans, was inserted in an astronomico-theological outline, which embraced the whole course of time, and taught, that the human race in the present creation has eight secular days assigned to it,—each day to a fresh people,—and that during the continuance of one people prophecy is to be in honour, during that of another in abasement[19]. The Etruscan week was of eight days; and as it is most probable that each secular day, like that of the Etruscans themselves[20], contained ten secles or 1100 years, 8800 years would make a secular week. The next unit, immediately above the week, was the year, of 38 weeks, or 304 days. Thus a secular year would comprise 334400 years: and this, it may be conjectured, was the period assumed for the duration of the universe; unless they went on to secular secles. According to their religion, as in that of the Scandinavians, a limit and end was fixt to the life even of the highest gods[21]. Such a secular year

which would not be Greek, we must read *ν. ἐ. ἐ. ἐπῶν.* Besides they had histories and poems. [418] Festus, v. sinistrae aves.

[19] Plutarch, Sylla, c. 7. [20] Varro, quoted by Censorinus, 17.

[21] Varro in Arnobius, quoted by Micali, II. p. 46.

therefore was probably the term assigned to the life of the gods, as the natural secle was to the life of man, the secular day to that of nations, the secular week to that of one human race. They taught, as we know historically, that the expiration of each secular day was announced by wonders and signs, intelligible to them [422]. So was the close of every natural secle; ten of which, of unequal length, made up a great day. The signs by which each of these epochs had been foreshewn, were recorded in their history. This, Varro says [23], was written in the eighth secle of the nation. A natural secle was measured by the longest term of human life. The first secle of a state ended with the death of the longest liver among all the persons born on the day when it was founded; the second lasted until none was left of all who were living at the close of the first; and so forth. The first seven secles of the Etruscans amounted to 781 years: but the sum of the years in the ten variable secles was equal to that in the ten fixt, each of which contained 110.

In the year of the city 666 it was declared by the aruspexes that the secular day of the Etruscan people was drawing to a close [24]. If we assume, what must needs be granted, that in so doing they acted in conformity to their writings, the Etruscan computation of time must have begun 434 years before Rome, the eighth secle in

[422] Plutarch, Sylla, c. 7. It was in this sense that the comet, which appeared after the death of Julius Cæsar, was regarded by the aruspex Volcatius as the sign that announced the end of the ninth secle (Servius, on Ecl. IX. 47, cited by Voss, on Ecl. IV. 5); although this referred to Rome, not to Etruria.

[23] Quoted by Censorinus, 17. In Tuscis historiis, quae octavo eorum saeculo scriptae sunt, ut Varro testatur, et quot numero saecula ei genti data sint, et transactorum singula quanta fuerint, quibusve ostentis eorum exitus designati sint, continetur. Itaque scriptum est, quatuor prima saecula annorum fuisse centum et quinque; quintum etc. — nonum et decimum superesse: quibus transactis finem fore nominis Etrusci.

[24] Plutarch, Sylla, c. 7.

the year 347, and the annals mentioned by Varro were written about the end of the fourth century of the city. The epoch 666 answers with singular exactness to that when the nation actually ceast to exist. It had been incorporated by the Romans a short time before, and was almost exterminated by Sylla eight years after.

A free expansion of the intellect in poetry and science could never take place among a people whose pride and chief study lay in divination and ritual observances. From them the Romans borrowed the most important part of that science which conjectures the will of the gods from signs: they alone could discern the meaning of terrific prodigies, and knew how to appease the wrath of the celestial powers. The pure and infallible source of this knowledge was supposed to belong to the Etruscans, ever since the time when it was taught them by Tages; a wise dwarf, who rose out of the ground, such as we find in the ancient fables of the Germans.

The East read the decrees of destiny in the stars, Etruria and Greece in the entrails of victims: in expounding the flight of birds, if the Etruscans did not altogether neglect it, the Sabellians were greater masters. But the peculiar secret of the Etruscans was the interpretation of lightning. This, and all the branches of their aruspicy, were taught in their sacerdotal schools[425]. They were also laid down however in the sacred books, in which the oral instructions of Tages were recorded.

In the East and in Italy the soothsayer was a tyrant, and the abetter of the ruling powers: he always tried to keep the people in chains. Of this yoke the stirring spirit of the Greeks soon eased itself; although they were fond of believing that the soul possesses secret faculties, which often enable it to catch a glimpse of the future by means of forebodings and dreams. The nobler hero of the Iliad treats omens with contempt, when called to defend his

[425] See above, n. 377.

country: at Rome the yoke of a degrading superstition, which was abused as an instrument of tyranny by the aristocracy, was not broken, until infidelity was introduced by the Calabrian Greek, Ennius, and became naturalized as morals declined. Such is the concatenation of human affairs, that, as the best things have something bad growing to them, and causing their inward decay, the removal of this incidental evil may afford us some consolation, when the ruins of what once was excellent are swept away, with all their pleasing recollections and illusions. There is no ill without some good at its side.

The contents of the ritual books were of a different kind. They resembled the Mosaical in prescribing the laws of the state as the law of the gods. They ordained the course to be observed in founding and building a city, in establishing and consecrating such edifices and places as were to be sacred and inviolable: they settled the constitution of the curies, tribes, and centuries[426], and generally all regulations relative to war and peace[27]. These were the laws obeyed at first by the Romans; who relaxt their ties, without casting them aside; and whose anxiety never to abolish them, but to leave the appearance subsisting, when the reality had lost its meaning, was a result of their original sanctity. Those books must undoubtedly have been the chief, though not the only text for the pontifical law. The institutions in which the preliminary step was to draw the limits of a temple for auguries, such as the law for measuring land and for marking out a camp, were more probably grounded on the religious books of the Sabines.

In the account given by Festus of the Roman ritual

[426] Such is the expression of Festus. Whatever that writer, who is often mistaken about ancient customs, may have meant by it, these books can only have related to the primitive constitution, in which the centuries were composed of the equestrian houses. This constitution could not be changed: that of Servius Tullius might, like any other, and was so.

[27] Festus, v. rituales.

books, they are expressly called Etruscan. But as no Roman writer now remaining makes any distinction between Tuscan and Etruscan, it is by no means certain that those books were derived from the same people by whom the doctrines of Tages were preserved. There is the same uncertainty with regard to the Capitoline temple; which is said to bear marks of the Etruscans in the union of its three deities, as well as in its architecture. At all events however it was in the language and literature of the Etruscans that Roman youths of rank were instructed about the middle of the fifth century, as they were subsequently in those of the Greeks[428]. This veneration shifted round afterward into contempt for the old-fashioned lore, and forgetfulness of its existence. Undoubtedly too it was from the genuine Etruscans that the badges of the highest magistracy were adopted by the Roman kings.

Tuscany produces all the necessaries of life in abundance; and the Etruscans were not unwilling to enjoy what nature gave them. Their northern custom of sitting down twice a day to well-loaded boards surprised and scandalized the Greeks, whose bodies were satisfied with very scanty fare. We have a description by Posidonius of the way of living in Etruria, such as it was before the war of Sylla. From the Asiatic luxury of their embroidered carpets, silver plate, and trains of beautiful slaves richly clad[29], we may see how the country had thriven under the relations in which it stood to Rome. Within a few years all this wealth became a prey to the soldiery; and the towns with their territories were parcelled out among the legions.

As to the stories told by Theopompus, of the shameless profligacy of the Etruscans*, we may join the modern Italians in rejecting them altogether. His credulity

[428] Livy, IX. 36. [29] Diodorus, v. 40. Athenæus, IV. 153. d.

* Athenæus, XII. p. 517.

and his fondness for scandalous tales were well known to the ancients. Even if his statement could be partially borne out by the fact, that there were a few powerful lords, who, secure of impunity, abandoned themselves to horrible licentiousness, such as became the fashion at Rome under the emperors, still the body of the nation cannot have been liable to the charge. But that associations for orgies such as Theopompus describes,—such as have been found in the Society Islands,—should have existed even among the most corrupt of the nobles, is the more improbable, seeing that, as has been observed by others, there are no licentious representations on any Etruscan works of art.

Etruria was standing at the summit of its greatness about the end of the third century of Rome. In the next she lost the whole country beyond the Apennines, with Veii and Capena. A great part of the fifth century was spent in an irresolute struggle, which Vulsinii alone maintained with any fortitude, against the prevailing star of Rome. After this the nation enjoyed two centuries of inglorious repose. Even during the second Punic war her prosperity was so far restored, that Arretium of itself was able to support Scipio's African expedition with arms and corn for the whole army, and with pay for the crew of a fleet. In this state of ease they felt no desire for the Roman franchise, which bound such as shared it to the performance of hard duties. When they received it however, they displayed no less courage than the Marsians and Samnites in maintaining its full honour. But fortune dealt hardly with them: and her injustice was increast by her consigning the story of their heroic resistance against Sylla to total oblivion.

The UMBRIANS.

Among the manifold forms of the Italian national names, the *Umbri* must also have been called *Umbrici*. This was pronounced *Ombrici* by the Greeks, who made out that it contained an allusion to their great antiquity. The name was supposed to indicate that they had existed before those rain-floods, by which in many countries, as the Greek sages too believed, earlier races of men had been destroyed. This etymological trifling was probably never meant seriously. It is certain however that the Umbrians were a great nation, before the time of the Etruscans, in the age of the Sicelians, and that they have a right to the name of a most ancient and genuine people of Italy [430]. Their city, Ameria, was built, according to Cato [31], 964 years before the war with Perseus, or 381 before Rome. It is certain too that their territory in old times was very extensive; probably not only embracing what retained the name of Umbria, but also, as has been observed already *, the south of Etruria, and, according to distinct Roman traditions, the district occupied by the Sabines between the Apennines and the Tiber. On the north-east slope of the Apennines, toward the Upper Sea and the Po, they are said to have spread as conquerors, to have expelled the Liburnians and the

[430] Antiquissima gens Italiae: as the Æquians too are called; by way of contrast to the Etruscans, who had immigrated,—to the Latins, who were a mixt race,—to the Samnites and Lucanians, who owed their origin to emigration and conquest, and were likewise mixt races,—and so on.

[31] Pliny, III. 19.

* Above, p. 115.

Siculians from the coast, and to have maintained an obstinate contest with the Etruscans for the territory on the lower Po.

In history the Umbrians are found restricted to the left bank of the Tiber; with some scattered towns on the coast, and near the Po, preserved to them partly, as Ravenna was, by her lagoons, partly by paying tribute to the Gauls. The Ombrica of the Greeks, bordering on the obscure regions at the head of the Adriatic, is of a large and indefinite extent. In Herodotus it reaches to the foot of the Alps: for it is from the country above the Ombricans, that he makes the rivers Carpis and Alpis, one of which may very probably be the Inn, flow into the Ister[432]. Scylax, who contracts its northern boundary, reckons Picenum a part of it[33]. In the earlier geography of the poets it undoubtedly extended as far as mount Garganus or Drion. For the Diomedean islands lie to the west of that promontory: and assuredly Scylax had some poet before him, when he ascribed the worship of Tydides, which the later Greeks fancied they found among the Daunians, to the Ombricans; although, according to the correct chorography of his own time, he assigns the coast between the Umbrians and the Apulians to the Sabellians.

For us the Umbrians are only the name of a great forgotten people. At the time when their coast was occupied by a tribe of the Gauls, the loss of these rich countries seems to have been attended with that of their independence. Lying without any defense toward the north, on which side Tuscany is sheltered by the Apennines, Umbria, within its contracted limits, was in all probability one of those adjacent countries which the Gauls are said to have reduced under their dominion[34]. It was their military road, so long as they made

[432] IV. 49. [33] p. 6: for he places Ancona in Ombrica.

[34] Polybius, II. 18.

expeditions into Latium. In the first war waged by the Umbrian tribes with the Romans, they were subdued in a single battle: and though they were afterward hurried or compelled to take part in the contests of more powerful nations against Rome, they did not hold out long.

The Umbrian nation consisted of separate races[435], some of which dwelt in towns[36], others in rural cantons[37]. The Camertes embraced the friendship of the Romans, before the latter crost the Umbrian borders; and they preserved it. The Sarsinates are even mentioned as a distinct people by Polybius, along with the Umbrians[38]; and fighting singly against Rome, they supplied her with occasion for two triumphs.

In order to treat with the Umbrians, the Romans in the fifth century employed an envoy acquainted with the Etruscan tongue[39]. Yet the language on the Iguvine tables, which passes, and probably with reason, for Umbrian, is totally different from the Etruscan. To us it is unintelligible, although it contains a number of words, which, if not Latin, seem cognate to the Latin: and if the conjecture I shall communicate further on as to the stock of the Umbrians is well founded, it could not fail to contain such. The purity with which the Sarsinate poet, Plautus, wrote Latin, seems also to suggest that the language of his countrymen, like the Oscan spoken by Nævius, bore an affinity to the Latin.

The characters on the coins are Etruscan, on the Iguvine tables Latin.

[435] Livy, XXVIII. 45. Umbriae populi.
[36] Livy, IX. 41. Plaga.
[37] Livy, XXXI. 2. Tribus.
[38] Polybius, II. 24.
[39] Livy, IX. 36.

IAPYGIA.

IAPYGIA embraced the south-east of Italy; according to the more ancient writers, from Metapontum, or, including that city, from the Siris[440], to mount Garganus, or, as the Greeks called it, mount Drion: which seems to have been the southern limit of Ombrica in their early geography. By Polybius the Iapygian and Messapian troops are still clast under one head. That such an extent was ascribed to Apulia by the Romans, we nowhere find: else it certainly seems evident that Iapyx and Apulus are the same name[41].

This extensive country is said by the Greeks to have been inhabited by three distinct tribes, the Messapians, the Peucetians, and the Daunians; the first on the peninsula to the east of Tarentum; the Peucetians to the north of them, along the coast from Brundusium to Barium: between this and mount Garganus lay the Daunians. The first about the beginning of the fourth century were at enmity with the Tarentines, while the two latter tribes were their allies. The Messapians

[440] Scylax, p. 5.

[41] The Latin termination *icus* was contracted into *ix* in Oscan: thus *Apicus*, which is the same name with *Apulus*, becomes *Apix*. No good Roman writer will ever say *Iapygia*, instead of *Apulia*; nor any good Greek writer the reverse. Diodorus, who is no less careless in his use of words than in other respects, speaks of Ἀπουλία, XIX. 10, in relating the history of Rome for that year, where he probably had Fabius before him. But it is remarkable that he should commit the same offense against Greek usage in the history of the younger Dionysius, XVI. 5. May we suppose that Timæus wrote so?

were divided, at least according to Strabo, into two tribes, the Sallentines and the Calabrians: the former he places in Leuternia, on the eastern coast of the Tarentine gulf; the Calabrians to the north of the Iapygian promontory, on the Adriatic[442]. In the *Fasti* even the Messapians and Sallentines are spoken of as distinct tribes, over both of which a triumph was celebrated in the year 487. The simplest way of explaining this is to suppose that, though the former name was common to the whole nation, it is here used for the Calabrians; as that of the Ausonians came to be confined to a single tribe, a part of the whole people *. There is also an important statement in Scylax, which, though extremely corrupt and disjointed, has been most satisfactorily restored[43], and which informs us that there were five tongues in Iapygia. Two of the tribes referred to are clear, the Opicans or Apulians, and the Peucetians: two may be recognized after an easy emendation, the Leuternians and Brentesines, corresponding to Strabo's Sallentines and Calabrians. The name of the people to whom the fifth tongue is attributed, the Cramonians, may perhaps be written correctly, and all trace of them may have perisht. At all events Scylax, who extends Iapygia so far to the southwest, seems to have meant a people between Heraclea and Tarentum, a remnant of the Chonian Oenotrians.

The Messapians were very generally supposed, singular as the opinion sounds, to have been Cretans. In the earlier tradition their ancestors were Eteocretans, cast

[442] VI. p. 277. d. 281. c. d. * See p. 69.

[43] By James Gronovius, who seldom made so happy a conjecture. It has been shewn above, note 293, that in p. 5 we must read, Σαυνῖται instead of Δαυνῖται. But the sentence, ἐν δὲ τούτῳ—Πευκετιεῖς, must also be removed from the place it has been thrust into, where it destroys the sense of the passage by separating δύκοντες ἀπὸ τοῦ Τύῤῥ πελ. ε. τ. Αδρ. from the mention of the Samnites; and it must be inserted in the former section about Iapygia, after ε νυκτῶν, and before ἐν δὲ τῇ Ἰαπ. Still γλῶσσαι is a very strange word here, and yet more so the synonym στόματα.

on this shore in the time of Minos, after the unfortunate expedition to Sicania; having sailed thither, according to one story, along with their king[444]; while, according to another, he went alone in quest of Dædalus, and perisht, and they set out in the vain intention of avenging his death upon Cocalus[45]. Other legends represented them as having been engaged in an unavailing search after Glaucus[46]: or they were a band composed of Cretans and the offspring of the Athenian youths who had been delivered up as an expiatory offering to Minos[47]: or lastly, in a tale which perhaps was confined to the Alexandrian poets, they were the adherents of Idomeneus, whom he had led to Italy, joined by some Locrians and Illyrians[48]. The last account makes express mention of the Sallentines: and to these, excluding the Calabrians and their capital Brundusium, I would also refer the statement of Herodotus, that Hyria was the original city of the Messapians, from which their other settlements proceeded. Varro says, that the Sallentines were divided into three parts and twelve cities[49]: by *parts* here he must mean tribes[50]. His etymology for their name is after his fashion, and ridiculous: it evidently comes from

[444] Strabo, VI. p. 279. a. 282. b.

[45] Herodotus, VII. 170.

[46] Athenæus, XII. p. 522. f.

[47] Strabo, VI. p. 282. b. Plutarch, quaest. Graec. 35, and Theseus, c. 16.

[48] Varro, fragm. l. III. Antiq. rer. hum. p. 205: and Festus, v. Salentini, who has evidently copied from Varro. Compare Æn. III. 400.

[49] Strabo too reckons thirteen cities in Iapygia, including Brundusium in the number (VI. p. 281. a.). Instead of πλὴν Τάραντος, I would read πλὴν Υδροῦντος. Tarentum cannot be right, since he is writing of the country which lies beyond it: ἡ δὲ ἐξῆς τῶν Ἰαπύγων χώρα κ. τ. λ.

[50] As the Greeks use ἔθνος instead of φρατρία, and indeed expressly instead of φυλή. Pollux, VIII. 111: τρία ἦν ἔθνη πάλαι (at Athens), εὐπατρίδαι, γεωμόροι, δημιουργοί. Thus *gens triplex* at Mantua: Virgil, Æn. X. 202.

a town of Sallentum, which in Greek must have been called Sallas, or Sallus: and I have no doubt that there was such a town in ancient times; but, singular as the fact is, no mention is anywhere made of it[451]. From these Messapians the Bottiæans on the gulf of Thermæ were said to have derived their origin. Strabo's opinion seems to be, that Brundusium too had once been inhabited by a branch of the Cretan Sallentines, and that this portion migrated from thence to Macedonia[52]. This is one of those migrations which are quite incredible, and the mention of which was only intended to indicate the conviction of a national affinity. That the Calabrians however were forein invaders, who expelled the Sallentines from Brundusium, we may easily believe.

So likewise may there be ground for the tradition, that the earlier inhabitants of Tarentum, on being overpowered by Phalanthus and his Laconians, retired to Brundusium[53]. What Tarentum acquired was wrested from them. After two centuries and a half, when the Greek city had already grown very powerful, in 279, it attempted to destroy the towns of the Messapians, and to reduce the people to servitude. This was the war in which Carbina was taken, and such revolting atrocities were perpetrated there by the conquerors[54]. The vengeance of heaven, by which so many houses in Tarentum are said to have been visited in consequence, was that fearful overthrow by which its power was for a long time broken, the most horrible carnage that befell any Greek army down to that day[55]. It sounds incredible indeed, that the conquerors, following at the heels of the flying

[451] Stephanus indeed has Σαλλεντία: but probably the only ground for this mention of the place was that some one formerly made the same conjecture as I have done.

[52] Strabo, VI. p. 282. b.

[53] Justin, III. 4.

[54] Athenæus, XII. p. 522. e. f.

[55] Hrodotus, VII. 170. Diodorus, XI. 52.

Rhegians, who had fought against them as auxiliaries of the Tarentines, should have forced their way into Rhegium. But the Messapians were evidently raised on that day from extreme distress to unlookt-for greatness. Their dominion must now have extended far into Oenotria; since they contended with Tarentum for the Siritis, which lies so far to the west of it. This must have been after the year 319, if the mention of Heraclea is to be taken literally*. The Peucetians and Daunians were leagued with the Tarentines against them: so that the Messapians were then the object of jealousy and alarm to the neighbouring tribes. By this war their power must have been destroyed. But they were still for a long time the enemies of the Tarentines: and thus one of their princes came to be on friendly terms with the Athenians, even before the expedition to Sicily[456]. Thenceforward the Greek city continued to rise; and the Messapians were no longer her rivals. Indeed after the middle of the fifth century they seem to have put themselves under her protection, by an alliance recognizing their inferiority.

Peucetius is called by the earliest Greek genealogers a brother of Oenotrus, and his people a colony led by him out of Arcadia[57]. That is to say, they took this mode of representing the Peucetians as one of those old Pelasgian tribes, the posterity of the first men, Pelasgus and Aizeus, that were said to have issued from Arcadia. According to Pliny[58] the Pœdiculians,—such was the Italian name of the Peucetians[59],—were descended from nine Illyrian couples.

In a genealogy by the Pergamene poet, Nicander[60],

* Strabo, VI. p. 281. a.

[456] Thucydides, VII. 33.

[57] See p. 25, n. 54.

[58] III. 16.

[59] The simpler forms, *Poedi* and *Poedici*, do not occur in our books.

[60] Who, I will remark by the way, belongs to the first half of the sixth century of the city, not to the beginning of the seventh.

of which however we know not whether he did not derive it from an earlier lost catalogue of the Lycaonids, the two brothers of Peucetius, Iapyx and Daunus, accompany him across the Ionian sea with an army, consisting chiefly of Illyrians [461]. Another story, which like everything of the same kind is from a Greek source, brings Daunus out of Illyria [62]. If these views were borrowed from ancient poets and traditions, it is more than probable that they did not speak of Illyrians, but of Liburnians; who, as I have observed above, inhabited Picenum on the Italian coast, and Corcyra on the opposite side *.

Further traces of the early setlers in the south-east of Italy are afforded by the names of Argyrippa and Sipontum. Argos, like Larissa, is undoubtedly a Pelasgic name. The legend that Diomedes had landed there, was current at Arpi; as is proved beyond a doubt by its coins. Now though here again no historical inference can be drawn from such a legend, still in this as in other cases it is probable, that the places reported to have been Argive settlements founded at the time of the return from Troy, were of Pelasgic origin. The kingdom of Diomedes is said to have reacht to Maluentum, where the head of the Calydonian boar was still shewn in the days of Procopius †; and Maluentum derived its name from Greeks or Pelasgians [63]. No Hellenic people, so far as we know, approacht nearer to the Pelasgians than the Ætolians did; and the relics of the boar, the mention of Diomedes, the Ætolian prince [64], are merely signs of an Ætolian colony.

But we are by no means to conclude from this, that the

[461] Antoninus Liberalis, fab. 31. [62] Fest. Epit. v. Daunia.

* See p. 50. † De Bello Gothico, I. 15. p. 349.

[63] Note 148.

[64] This is the more evident, since the legend makes him disappear, and thus lays no stress on him personally. Strabo, VI. p. 284. a.

Opicans, who are said to have preceded the Sabellians as masters of the country about Beneventum, were its Pelasgian inhabitants. They were only the earlier conquerors. The Daunians however, like the Tyrrhenians and Oenotrians, I account among the Pelasgians. It is a significant trace in a national genealogy, to find that the father of Turnus was called Daunus. Their name answers to that of Danaans; and thus Ardea is said to have been founded by Danae *. This however belongs to times antecedent to those when the Daunians appear in history as a part of the Apulians, and when, as Strabo observes, no difference in language or habits was discernible between them and the genuine Apulians [65]. These genuine Apulians, as he terms them, dwelt to the west of mount Garganus, around the bay, in front of which lie the Diomedean islands [66]. They are the Teanian Apulians of Pliny [67]; who speaks of three distinct tribes of Apulians, the Teanians, the Daunians [68], and the Lucanians. These last were probably Sabellians who had occupied some towns in Apulia; either Lucanians, or Samnites: for Luceria belonged to the latter; and the name of Lucanians may have been a general one for the Samnite colonies. Unless some boldness of divination be allowable, all researches into the early history of nations must be abandoned. If I may be permitted to exercise it, liable though it be to grievous abuse, I would conjecture, that the original Apulians were Opicans, by name and descent, who subjugated the Daunians; and that the legends about Diomedes, and whatever bore

* Note 126.

[65] Strabo, VI. p. 285. C.

[66] Strabo, VI. p. 285. C. and p. 283. C.

[67] For here stood Teanum Apulum.

[68] Pliny, III. 16. Amnis Cerbalus Dauniorum finis: (if so, mount Garganus would have been situate wholly out of Daunia) Ita Apulorum genera tria: Teani — Lucani — Dauniorum praeter supradicta &c.

a Greek character in the arts and manners of the country, continued to subsist under their government, as similar relics did at Falerii and Cære. Assuming the correctness of a story that we meet with, we can hardly avoid supposing that the Peucetians also must have had a mixture of Oscan blood: for the names of the two Peucetians who designed to poison Cleonymus, Gaius and Paulus [469], are completely Latin.

The Peucetians were divided into thirteen tribes [70]. They were governed by a king so late as the beginning of the Peloponnesian war [71]. Afterward history is entirely silent concerning them, until about 458, Ol. 120. 4; when Agathocles entered into a league with them, and with the Iapygians, and promoted their piracies on the Adriatic [72]. So that at that time they were independent of Rome. The Roman armies however had already entered the land of the Sallentines: they had done so as enemies in 447; and in 452 to protect the inhabitants against Cleonymus. In neither expedition, any more than in the war against Pyrrhus, or afterward when the Messapians and Sallentines were subdued, is any mention made of the Pœdiculians; although the Roman generals must have marcht through their country.

Daunia too was under a kingly government, when it joined Tarentum in the war against the Messapians. By the Romans it was found divided under the soverainty of a few great cities: and the discord amongst these affords us an explanation for the otherwise incomprehensible accounts of the relations between what is represented as the whole nation and the Romans. Its most powerful

[469] See the treatise περὶ θαυμ. ἀκουσμ. p. 100. a. That these two names should occur together, would be a very singular stroke of chance. Sylburgius observes that in the old translation the name of Paulus is wanting. Was it struck out by a theologian? or has it been substituted by a lawyer from conjecture for a different one?

[70] Pliny, III. 16.

[71] Strabo, VI. p. 281. a.

[72] Diodorus, Exc. XXI. 4.

city was Arpi, which must have possest a considerable territory; since the district of Sipontum was forfeited to Rome, as public land of Arpi[473], on account of the insurrection in the second Punic war. But Canusium also had been great; and her greatness was still attested by her walls, as that of Arpi was by hers, in the time of Strabo.

The inscription which has been publisht as Messapian, is nothing but an old Greek one[74], carelessly copied by a person totally ignorant of the language. That on all the coins throughout Iapygia is Greek: and this was the language spoken by the nation, that of its ancestors having given way for the most part, as it did in Sicily, to the nobler one. The Canusines, like the Bruttians, spoke Greek along with the old dialect of the country[75]. The Apulian works of art, like all in this part of Italy, have a Greek, yet a peculiar character. The earthen vases are of a meaner sort, both as to shape and painting. Bronze works have been found of extraordinary beauty.

[473] Livy, XXXIV. 45.

[74] Lanzi, who gives it, v. II. p. 620, has remarkt this.

[75] Horace, Sat. I. 10. 30.

The GREEKS in ITALY.

As Idomeneus and Diomedes were related to have come to Italy, in like manner Philoctetes, Epeus, and some of the descendants of Neleus, were brought thither, with Greek warriors and Trojan captives, by other legends, which appropriated and devised applications for a variety of relics and monuments. But from none of these pretended settlements did any Greek people arise: the setlers must have been metamorphosed and have vanisht, like the companions of Diomedes [476].

The most ancient Greek settlement in Italy, of which history takes any note, is that of the Chalcidians at Cuma; originally planted in Ischia and the adjacent small islands [77]. By the Alexandrian chronologers it was assigned to a very remote antiquity: but assuredly this was merely owing to their connecting its founders with the heroic genealogies. For when they had no determinate statements, like those as to the time when the Greek cities in Sicily were founded, they had recourse to computing by generations, which pusht the earliest epochs much too far back. With regard to Cuma, they found no era: for it had long ceast to be a Greek city: and when this led them to calculate the date of its foundation from the genealogies, it came out, contrary to all credibility, long anterior to the founding of the earliest among the colonies

[476] Quotations, which, to have any value, should be extremely numerous, seem to me out of place in this section, with a very few exceptions.

[77] Thus Livy (VIII. 22) evidently made a distinction between the Pithecusae and Aenaria.

less remote from Greece. That the leaders of the emigrants who settled there, bent their course over unexplored waters, is intimated by the legend that their ships were preceded and guided in the daytime by a dove, and at night by the chime of the mystic bronze. But even from the eastern coast of Sicily, the first settlement on Ischia would have been a bold adventure. The remote age attributed to Cuma is certainly a fiction: but when it was founded we have no means of determining.

Dicæarchia, on the hill above Pozzuoli, was a fortified seaport of the Cumans. If it be true that the Samians settled there in the first years of king Darius[478], they must have found the spot already inhabited: but they might be very welcome to the Cumans under the pressure of the Tyrrhenian war. Parthenope too was founded by colonists from Cuma.

A body of Eretrians establisht themselves on the islands of Pithecusæ, which the Cumans had abandoned; and from them came the setlers at Neapolis. Its name shews that it was a much more recent city than Parthenope; which was afterward called Palæpolis. If the Athenians took a share in the founding of Neapolis, we should have probable grounds for dating it about the time of the settlement at Thurium[79].

Rhegium was planted by the Cumans, in common with the Chalcidian colonies in Sicily, for the sake of commanding the Faro. It was from thence that Micythus

[478] In Ol. 64. 4: according to the chronicle of Eusebius. Perhaps it was somewhat later, after the death of Polycrates.

[79] Their having done so however (Strabo, v. 246. a.) seems very uncertain. Tzetzes (on Lycophron, v. 732) quotes a story from Timæus, that Diotimus, the captain of an Athenian ship in the Sicilian expedition (Ol. 91), offered sacrifice at Neapolis to the Siren Parthenope by command of an oracle, and establisht a torchrace there. This fact may in some way have furnisht occasion for the abovementioned improbable statement.

proceeded to found the latest of the Chalcidian towns, Pyxus, in the territory of Sybaris, then without a master.

Of the Greek cities in Oenotria the oldest was Locri; at least according to the tradition that the first setlers at Syracuse and Locri aided each other [480], if Syracuse was really founded thirty years before Croton [81]. So was it according to the indigenous story, by which the arrival of the founders was dated just after the first Messenian war, Ol. 14. 1. The Locrians, it was related, whose ancestors had followed their impious chief, Ajax, to Troy, continued twenty years in the field against Messene as allies of the Spartans; and when the boys they left behind grew up, they joined their fathers. Meanwhile their wives and daughters carried on a criminal intercourse with their servants: and when at length the men were returning victorious to their homes, the women, conscious of their guilt, fled from their wrath across the sea with their paramours [82]. Though sprung from an origin so base and ignominious, that the malice of Timæus was raised to frenzy by Aristotle's simple account of the tradition, the Italian Locrians rose to great respectability by means of their lawgiver Zaleucus: and they attained to such prosperity and power, as to found Hipponium and Medma on the other coast: so that they were masters of the whole country between the two seas, as far as the borders of Rhegium.

This story about the origin of the founders of Locri,

[480] Strabo, VI. p. 259. b. 270. a.

[81] Which is contrary to the legend (Strabo, VI. p. 269. c.) that the god gave Archias and Myscellus their choice between health and riches.

[82] That such was the story, has just been establisht by the Excerpta from Polybius, XII: tit. de sententiis, p. 383. foll. ed. Mai. Now at last we see the meaning of those words in Dionysius Periegetes, v. 366: σφετέρῃς μιχθέντες ὀνάσσαις. Eustathius does not tell us what war it was.

and the similar ones about the colony which Phalanthus is said to have settled at Tarentum in Ol. 18. 1, and about the followers of Theras, lead us to conjecture, that the peace of the aristocratical republics must have been disturbed at that period in several places by the offspring of marriages contracted without the sanction of the law, and that measures were taken to send them to a distance. No reflecting person will believe any one of these stories literally[483]: yet it would be equally inconsiderate to reject them as utterly groundless.

Tarentum enjoyed the rights of a mother city at Heraclea, and had at least an equal share with Thurii in the settlement. In Messapia Callipolis was probably connected with her; and so was Hydrus, if it was really a Hellenic town *.

The Achæan cities, Sybaris and Croton, are said to have been built together, in Ol. 19. 2[84]. The former was mistress of the country afterward called Lucania, and founded Posidonia and Laos: the latter, possessing the north of Bruttium, founded Caulon on the south, toward Locri, and Terina on the western coast. Another body of Achæans, being invited by the Sybarites, built Metapontum; which by the industrious cultivation of its enormously fertile territory attained to extraordinary

[483] Aristotle assuredly was far from doing so: nor was Timæus wrong in refusing to believe the fact; but what he substituted for it was a gross forgery, with regard to which he cannot have been free from guilt. An antiquary, such as he was, is indeed likelier than others to have valuable insulated pieces of information: such,—though under some limitations, as we see from the Odyssee,—is his remark, that in ancient times there were no bought slaves among the Greeks: Athenæus, VI. p. 264. c. Aristotle would have granted this, but have answered, that the persons meant in the Locrian tradition were not domestic slaves, but peasants in a state of bondage.

* Scylax, p. 5.

[84] According to Eusebius. But with regard to all these dates there are contradictory statements; and we have rather to choose than to decide between them.

wealth. These three great Achæan cities were long united in a league, which probably comprehended their four colonies, similar to the one which existed among the Achæans *.

Elea was built by the Phocæans, when flying from Cyrus, while Sybaris was at the highth of her power, on a coast where they could not have settled without the leave of the Sybarites. Elea is remarkable, not for any wars, but for its profound thinkers, and for the peculiar good fortune which protected it, when the other Greek cities on this coast fell into the hands of the Lucanians. It was the only one that held out between Neapolis and Rhegium. The Romans respected it: and the last mention we find of it is a pleasing one, as the birthplace of the ingenious Statius. Another earlier body of fugitives from Ionia, the Colophonians of Siris, seem to have lived in prosperity while under the protection of Sybaris, and to have been destroyed after the fall of their protectress.

The latest Greek colony on this coast was Thurii, a common settlement of the whole Greek nation; which, though it did not make up for the loss of Sybaris, attained to great eminence and power. A couple of generations afterward Ancona was founded further up the Adriatic, either by some Syracusans flying from their tyrants, or by those tyrants themselves; who planted Greek colonies at Issa and Adria, and perhaps at Pisaurum †.

The founders of the Greek colonies did not go forth, like the first New-Englanders, with their wives and children, for the sake of living in freedom amid forests which they had to clear before them. They were mostly unmarried freebooters, who won themselves wives with their swords [485]. Hence their posterity were a mixt race, like the descendants of the crusaders in Palestine and Cyprus, and those of the Spanish conquerors in America.

* Polybius, II. 39. † See p. 49. [485] Herodotus, I. 146.

When the colonies were establisht, needy Greeks came flocking to countries where plenty of fertile ground was to be had: and these were gladly admitted; though assuredly not to an equality of rights. They received allotments of land, but had to content themselves with what lay at a distance. If these new citizens were enrolled in tribes, their franchise was certainly an inferior one. The pretensions set up by the Sybarites at Thurii *, which under their circumstances were so absurd, teach us how their forefathers, who had the power in their hands, must have dealt with fresh citizens. In Italy, as in Hellas, the constitution of the Greek cities was at first aristocratical: and I think its form may be divined. The descendants of the *conquistadores*, being probably divided into three tribes, were alone eligible to magistracies. The rest of the Greek citizens were incorporated into other tribes, and shared the right of electing to offices, but without being eligible to them. In the city there were a great number of forein setlers, who were admitted either partially or fully to the privileges of citizens †. The peasantry were serfs. That there was a connexion between this aristocracy and the Pythagorean religion, is unquestionable, though its nature is mysterious. The three hundred Pythagoreans at Croton were probably the senate. The revolutions which broke out in all these cities at the same time, were analogous to those which spread from town to town in Germany, between the middle of the thirteenth and that of the fourteenth century, and by which the government was transferred from the ancient houses to the guilds, in consequence of the attempts to retain the old institutions unchanged, after they had lost their life and meaning. But the revolutions among the Italian Greeks were carried on with ferocity, and full of horrours and outrages. Sybaris seems to have become a democracy a short time before

* Diodorus, XII. 11. † Ἰσοτέλεις and Ἰσοπόλιται.

her fall. The destruction of this extraordinary city, which has incurred opprobrium, probably altogether unmerited, or at all events much exaggerated, was the first irremediable wound sustained by Magna Græcia. It was followed by the bloody revolutions in which Croton wore itself out. The Lucanians made their appearance, and spread over Oenotria. But from the day when the elder Dionysius entered Italy as a conqueror, thirsting for vengeance, calamities and miseries fell upon the Italiots, without measure, or end, or pause. From that time forth, to use the expression of a Greek historian, the unfortunate towns of Magna Græcia were tost by a current to and fro from the hands of the Lucanians or of the Bruttians into those of the Syracusan tyrants, to be laid waste by the former, or to suffer the ruinous protection of the latter. Which of these cities were still subsisting, and what was their condition, when the Romans, coming in the character of protectors, began to interfere in the affairs of these regions, I shall relate when I reach that part of my history. In this general survey of ancient Italy, it seemed to me that a view of their origin ought to be given, and that a few remarks on their peculiar character would not be misplaced: else their story is partly an independent one, in part belongs to the general history of the Greek nation.

These Greeks, at least in some of the cities, learnt various things from the native Italians, who were admitted to their franchise, or who dwelt amongst them; such as their system of weights and of mensuration[486], many words of their languages, and even some of their forms of

[486] This was perceived by Mazocchi from the Heraclean tables. From the manner in which the territory of Thurii was assigned, (Diodorus, XII. 11) we might conclude that the whole principle of the Italian agrarian law had been adopted. Indeed it looks very much as if the cause of the ferment at Croton was, that the patricians took possession of the Sybarite territory for themselves, without allotting any part of it to the commonalty.

versification and poetry. On the other hand they diffused their arts and literature in the peninsula, far beyond the countries in their immediate neighbourhood. By the Opicans the use of their language was adopted even for civil purposes.

THE LIGURIANS, AND THE VENETIANS.

I UNITE these two nations under one head, not to intimate any affinity between them, but because both were alike unconnected, so far as we know at least, with the history of Italy, until the later times of the Roman republic; and though they dwelt to the south of the Alps, they did so only as branches of nations widely diffused beyond the borders of Italy. In very early times too they seem to have toucht in the plain of the Po.

The Ligurians are one of those nations that the short span of our history embraces only in their decline. When Philistus said, that the Sicelians were Ligurians, who had been driven southward by the Umbrians and Pelasgians [487], he was not only blind to the identity of the Siculians with the Tyrrheno-Pelasgians, but was no doubt equally mistaken as to the extraction of the Ligurians. His mistake however arose only from the confusion, which is so common, between two irruptions experienced by the same country at different times. Thus the nations which have successively inhabited Dacia, the Getes and the Goths, the Huns and the Hungarians, are taken one for the other; and in obscure traditions the same people is at one moment represented as invading, the next as driven out. During his banishment, which he spent on the coast of the Adriatic, Philistus may have learnt among the Umbrians themselves, from their ancient books, that their forefathers and the Siculians had expelled the Ligurians out of Tuscany: nor should his having

[487] Dionysius, I. 22.

misunderstood what he heard make us treat it with contempt. Now on this ground we may build further; and looking at Livy's account of the settling of the Gauls on the Po, notwithstanding the indistinctness of his conceptions, and the incurable corruptions in the text[488], we may discern thus much; that the Libuans, a Ligurian people, were once quartered near the lake of Garda; and that the Salvians, whom we know of in the neighbourhood of Massilia, had likewise dwelt to the north of the Po; whether they were still living there as subjects of the Etruscans, when the Gauls made their appearance; or whether here again a people, which had long since retired before the Etruscans, had transferred its name to the conquerors. The whole of Piedmont in its present extent was inhabited by the Ligurians. Pavia, under the name of Ticinum, was founded by a Ligurian tribe, the Lævians[89]. When they pusht forward their frontier among the Apennines into the Casentino[90], on the decline of the Etruscans, they probably only recovered what had before been wrested from them. Among the inhabitants of Corsica there were Ligurians[91].

Only half of Ligystica was reckoned a part of Italy. According to a Greek tradition about the origin of the Sicanians, they were an Iberian people, who had been driven by the Ligurians from a river called Sicanus[92]. At all events the Ligurians and Iberians were anciently contiguous; whereas in aftertimes they were parted by the Gauls. We are told by Scylax, that from the borders of Iberia, that is, from the Pyrenees, to the Rhone, the

[488] v. 35: see the commentators. [89] Pliny, III. 21.

[90] Polybius, II. 16.

[91] Seneca, Consol. ad Helviam, 8. Fragm. Sallust. Histor. II. p. 958. ed. Cort.

[92] Thucydides, VI. 2. Philistus, quoted by Diodorus, v. 6. Servius, on Æn. VIII. 328, says some take it for the Sicoris, a river in Catalonia. This seems to me a mere guess.

two nations were dwelling intermixt[93]: and from this very region does Thucydides seem to have supposed that the Sicanians had been driven. But it is far more probable, that the Iberians came from the south of the Pyrenees into lower Languedoc, as they did into Aquitaine, and drove back the Ligurians. When the Celts long after, moving in an opposite direction, reacht the shore of the Mediterranean, they too drove the Ligurians close down to the coast, and dwelt as the ruling people amongst them in the country about Avignon, as is implied by the name of Celto-Ligurians[94]. Which of the tribes among the lower Alps were Ligurians, and whether the Vocontians were so, I have no means of determining. But from these traces it seems to me extremely probable, that this people was dwelling of yore from the Pyrenees to the Tiber, with the Cevennes and the Helvetian Alps for its northern boundary.

Of their place in the family of nations we are ignorant. We only know that they were neither Iberians nor Celts. Dionysius says, their extraction was unknown[95]. Cato seems to have made inquiries amongst them, but to have heard nothing beyond stories which were evidently groundless, and clumsily fabricated: hence he stigmatized them as illiterate, lying, and deceitful[96]. And illiterate they probably were, having to eke out life with such hard toil, and being unable even to till their stony ground with the plough. The rest of Cato's odious picture is by no means confirmed by other ancient writers. On the contrary they speak highly of the industry, the indefatigable patience, and the contentedness of the Ligurians, no less than of their boldness and dexterity[97]. When

[93] Scylax, p. 2.

[94] Strabo, IV. p. 203. a. Instead of Λουσίους we must read Ἀουερίους. [95] I. 10.

[96] Fragm. Origg. II. quoted by Servius, on Æn. XI. 701. 715.

[97] Cicero against Rullus, II. 35. Virgil, Georg. II. 167. Diodorus, IV. 20. v. 39. From the passage of Virgil it appears that they

Cato wrote, the Romans had only just completed the task of subduing them, which, though the contest was seldom carried on by more than one tribe at a time, had taken forty years. During this war the inroads of the Ligurians, like those of their enemies, had been very desolating and cruel: and the exasperation thus produced probably misled him into pronouncing a sentence so contrary to justice.

At the time when the Ligurian tribes were one by one subjugated, or exterminated, or carried away from their mountains to be settled in far distant plains, the Venetians were no less distinguisht by their riches and want of warlike ardour, than the Ligurians by their poverty and bravery. They had surrendered themselves to the protection of Rome without a struggle; and they appear as her subjects in the Cisalpine war, without our finding any account how they became so. They had been led to wish for forein protection by the incursions of the Gauls. Their abodes were in a small part of the region afterward called Venetia, in the plain and on the hills, scarcely reaching to the foot of the Alps, between the Cisalpine Gauls and the formidable Tauriscans of Noricum*. The commercial and trading spirit of Venice is her inheritance from her parent city, Patavium: which having been founded, according to tradition, long before Rome by some Trojan emigrants, escaped uninjured amid all the wars and disorders of Italy, attained to extraordinary wealth, and in the age of Tiberius was the first city of Italy next to Rome.

The tradition about Antenor had become nationalized among the Patavines. At least the account which is connected with it, of the war waged before the founding

engaged for hire as free day-labourers in husbandry. Such freemen, who themselves till the ground, were called by the Athenians αὐτουργοί. Thucydides, I. 141.

* Polybius, II. 15. 30.

of the city with the Euganeans and their king Velesus[498], must be homesprung. Else it is manifestly of Greek origin, being derived from the cyclic poets, who told of Antenor's treachery and indemnity, and from the name of the Henetians in Paphlagonia. Many stories, says Polybius, are related of the Venetians by the tragic poets[99]. The country about the Eridanus, the shores at the head of the Adriatic, were renowned in poetical story. This part of that sea, being inaccessible on account of the Liburnian pirates, was considered even by the later Greeks as very distant and vast. Scylax, who enormously exaggerates the extent of the Adriatic, puts the Venetians on its eastern shore, about the mouth of the Eridanus; placing that mouth beyond the innermost recess of the gulf, the coast of which, he says, was inhabited by the Celts[500]. But although these regions were very rarely visited by the Greeks, still the opinion of Herodotus, that the Enetians were an Illyrian race[1], well deserves to be weighed: and there is a statement quite independent of it, which names an Illyrian king Ænetus as their prince[2].

A difficulty indeed seems to arise from our finding that Polybius, who remarks that the Venetians differed but little in customs and dress from the Celts, though he tells us their language was not Celtic, does not say it was Illyrian: yet his ear would undoubtedly have been perfectly able to distinguish the Illyrian tongue. This however leads us to conjecture, that the name of Illyrians was erroneously applied to them, and that they may have been Liburnians. Such an inaccuracy would be a very slight one for Herodotus. They were only separated from the Liburnians in Dalmatia by the Istrians, before Noricum was conquered by the Gauls; and Noricum, it is evident, had previously been inhabited by

[498] Servius, on Æn. 1. 243. [99] II. 17. [500] Scylax, p. 6.
[1] 1. 196. [2] Servius, on Æn. 1. 243.

Liburnian tribes. For the Vindelicans were Liburnians[503]: and Strabo makes a distinction between them and the Breunians and Genaunians, whom he calls Illyrians[4]. Virgil's words too[5] seem distinctly to imply that the Venetians were Liburnians: for *the innermost realm of the Liburnians* must surely be the goal which Antenor was said to have reacht.

Now the affinity between the names of the Ligurians and the Liburnians is so close, that, although I have had no intention of establishing any connexion between the two nations treated of in this section, it might seduce one to make the attempt. I call to mind that the Sigynnæ were the only people whom Herodotus could hear of on the banks of the Ister, beyond the Venetians and Liburnians,—which information probably came from Venetian or Liburnian mariners,—and that he knew this to have been the name for merchants in Ligurian[6]. What if those mariners meant to say that they were acquainted with none but merchants from those parts? and what if Herodotus designed to intimate this? But I fly from the rocks of the Sirens.

In an inscription, which is taken for Venetian, the character is an artificial variety of the Etruscan.

[503] Servius, on Æn. 1. 243.

[4] IV. p. 206. b.

[5] Æn. 1. 243. foll. Antenor potuit — Illyricos penetrare sinus atque intima tutus Regna Liburnorum.

[6] v. 9.

The THREE ISLANDS.

In Corsica, beside the Ligurians, we find Iberians[507]. The Sicanians too in Sicily, who were driven back by the Sicelians into the west and south of the island, are termed Iberians by every historian[8]. The only dispute was as to their original home. They themselves asserted that they were an aboriginal native race[9]: and Timæus, who sided with them, was deemed by Diodorus[10] to have proved the point incontrovertibly. Thucydides on the other hand assures us, it was certain, that they had been expelled by the Ligurians from Iberia: and Philistus concurred with him. The positiveness with which Thucydides pronounces, "this is ascertained to be the truth," in the mouth of such a man, gives great weight to the traditions of western Europe. It must have been those of Liguria or Hispania that he received as decisive. But he too might be misled by the above-mentioned prejudice about national affinities: and surely, where the supposed colony is without any similar tradition, the opinion of the people that claim to have given birth to it, can scarcely be taken as evidence. Vanity in such matters is very apt to give a bias.

[507] Seneca ad Helviam, c. 8

[8] Ephorus too wrote that the first inhabitants of Sicily were Iberians: Strabo, VI. p. 270 b. Were not these statements so thoroughly trustworthy, even such as are cautious in drawing inferences from the names of nations, would hardly hesitate to deem it clear that the name of the Sicanians is one and the same with that of the Siculians, just as the same people were called both *Aequani* and *Aequuli*; and that consequently they were of the same race.

[9] VI 2. [10] V. 6.

On the other hand there is no doubt with regard to the Sicelians, that they themselves related they were sprung from the Oenotrians, and had emigrated from Italy. There were also some Morgetes in the island[511]: but the more important kindred people is the only one spoken of in history.

That the Elymians were Trojans, was deemed indubitable: only there was a tradition by which some Phocians were mixt up with their progenitors. Hellanicus alone brought them from Italy[12].

By the intercourse of the natives with the Sicilian Greeks, and by the forcible transplanting of whole communities, the Greek language became so generally known and so current in Sicily, that the barbarian tribes entirely forgot their hereditary tongues; and the whole island grew into a Greek country, as it continued till late in the middle ages.

In like manner colonization made Sardinia a Punic country, in the parts under the dominion of the Carthaginians. After it had been 180 years under the Romans, this character was still unaltered, and the civilized Sardinians were considered as Pœni[13]. The genuine Sards, who dwelt in caves, and clothed themselves in skins, maintained their footing in the highlands, living in perpetual feuds with the inhabitants of the cultivated regions. Of these there were three tribes, the Iolaans or Ilians, the Balarians, and the Corsicans. The name of the first in one form gave the Greeks occasion to invent a story, how Iolaus brought his kinsmen the Thespiads thither; in the other, to seek here again for a Trojan colony. The former fable was promoted by the reverence which the Punic colony paid to Sardus, a son of the Tyrian Hercules, as its founder, and by the connexion between Iolaus and Hercules in Carthaginian

[511] Strabo, VI. p. 270. b.

[12] Dionysius, I. 22.

[13] Cicero, pro Scauro, 42. Peyr.

mythology *. The names of the other tribes point to the Balearic isles and to Corsica: and beside this mark of an Iberian population, either pure or mixt, among the traditions relating to very ancient times, was one of an Iberian colony at Nora[514]. This race may possibly have become extinct in Sardinia. That it should never have settled on an island, which was encircled by the Baleares, Corsica, and Sicania, is incredible. The Iolaans, we are told by Pausanias, resembled the Libyans.

The tale of a Greek settlement under Aristæus[15] is again an indication of Pelasgians: for it was in Arcadia that this son of Cyrene ruled[16]. Those Tyrrhenians too[17], who were said to have inhabited Sardinia before the Iolaans, were Pelasgians.

I am told that there are Cyclopian walls of a peculiar structure in this island, which undoubtedly can neither be ascribed to the Carthaginians, nor to the Iolaans. Hence we must suppose, there is something more than mere

* Polybius, VII. 9.

[514] Solinus, 13: Diodorus, IV. 29: and Pausanias, Phocic. c. XVII; in a prolix digression about the various settlements in Sardinia: it is the classical passage for these traditions. His authority must certainly have been Timæus; who was also that of Diodorus, of the book *De Mirabilibus*, and even of Sallust. The last was led to describe this island by the war of Lepidus: he in his turn is followed by Solinus. It is an instance of the vicissitudes books are subjected to by changes of fashion and taste, that Timæus, who in the time of Cicero was still generally read, was confined, when Pausanias wrote, to the studies of the learned; so that Pausanias could seek in his history, as in the most forgotten Atthids, for unknown narratives to embellish his work with. What Isidorus, XV. 6. c. 1178. d—f. and Solinus say of Sardinia, with the passage on Corsica, which follows in the former, is now properly inserted among the fragments of Sallust.

[15] Pausanias, as above. Diodorus, IV. 82. Auctor de Mirabilibus, p. 105. b. Sallust, quoted by Servius, on Georg. I. 13. All these however do but repeat the account of Timæus.

[16] The most important passages are collected by Bochart, Geogr. Sacr. ed. 1692. c. 573. d. foll.

[17] Strabo, V. p. 225. a.

fiction in the story that, toward the end of the fifth century of Rome, Sardinia contained the ruins of large buildings and vaults, which the Greeks called the works of Iolaus and his companions, the Thespiad Heraclids [518].

If the dialect of the Sardinian mountaineers were known, and did really possess any roots of a peculiar character, it might possibly throw light on the question whether they are connected with the Iberians or with the Libyans. The specimens of the language spoken in the civilized districts exhibit peculiarities, which are more than varieties of dialect. They indicate a Romance language of a distinct kind; but nothing more.

[518] Auctor de Mirabilibus, p. 105. b. Diodorus, IV. 30.

CONCLUSION.

No man can mount up to the fountain-head of those streams by which the tribes of the present human race have been borne down. Still less can any eye pierce across the chasm, which there severs that order of things wherein we and our history are comprised, from an earlier one. That a prior race of mankind has past away, is a general popular belief: and it was shared and cherisht by the Greek philosophers. In one point however they dissented from the people. Plato and Aristotle supposed, that a few had been preserved, like embers, from the general ruin, and that from them a new race of mankind sprang, and spread by degrees over the desolated earth: while by the people the renewal of man's life was regarded as a new creation, as we see in the Lai of Deucalion, and the Myrmidons of Æacus; and the extinct race were deemed to have been rebels against the heavenly powers, led astray by the consciousness of their enormous strength. Thus the later Jews dreamt of giants before the deluge. Thus the Greeks dreamt of the Titans of Phlegra, and of those who perisht in the flood of Deucalion, or of Ogyges. Thus too the savages of North America fable of the mammoth, that the world, being laid waste by him, invoked the lightnings of heaven, and not in vain, against the reason-gifted monster, the man of the primitive age. So Italy in its popular legends had the Campanian giants, who fled into the furthest corner of Messapia, and, being pursued by the inexorable conqueror, hid themselves under the ground; out of

which venomous ichor gusht forth, commingling with the springs, from the never-healing wounds of the thunderbolt. Now, far as we are from sharing such a belief, I still cannot forbear regarding the view taken by the people as sounder in one respect than that of the philosophers. The latter assume a period which has no beginning, and wherein one act follows another; while the people acknowledges the creation of mankind as the beginning of new laws of life: to set which revolution before our eyes, seems to have been the purpose why the organic remains of earlier periods have been buried in the earth. There is no proof that such a creation can have occurred only once. It may have taken place at widely distant epochs, for the different races of mankind, after the earth had been more or less extensively desolated, in the course of those many thousand years which have been requisite to form the alluvial land of Egypt, of Babylonia, of Lombardy, and of Louisiana. For God does not grow old, nor weary of creating, of preserving, of remoulding and training.

The uniform notion however was, that the times of the giants were not parted by a gulf from those of the present human race, but that the latter gradually gained the upper hand, while the former expired as gradually. In fact the notion that a race of giants must have been the architects of the walls composed of enormous polygonal blocks, in what are called the Cyclopian cities, from Præneste, and even from Ardea, as far as Alba in the land of the Marsians, as well as of the walls of Tiryns, which are exactly similar to them,—such a notion is merely the expression of a simple understanding. In like manner the peasants in Friesland fancy they see the works of giants in those colossal altars which occur on the high grounds, in greater or less preservation, wherever the Teutonic tribes were formerly settled, and granite boulders are found.

That these walls are not the works of the tribes our history meets with in Latium, since they are greatly

beyond their powers, we are certainly forced to pronounce. But we must content ourselves with confessing that our history does not reach back far enough. For the only difficulty is, that the powers of those tribes were inadequate. The Etruscan walls, and the buildings of the Roman kings, do not yield to those works, and some even exceed them in magnitude. The raising and removing the rock-hewn obelisks was a still more gigantic undertaking, one that mocks our mechanical powers still more. The Peruvian walls and roads too are no less vast than the Cyclopian buildings. But in these cases there is nothing incredible; because we know that many thousands, nay, hundreds of thousands, laboured at task-work, and that the sacrifice of lives was never thought of. The forgotten tribes in the country of the Cascans and Latins [519], compared with whose architecture that of Rome under the emperors was diminutive, belong to, or precede that period in which the Greek historian of the Augustan age, agreeing in principle with the philosophical historians of the last century, conceived that this very country of the Aborigines contained nothing but savages, scarcely possessing the faculty of speech, the offspring of the rude young earth. In like manner the vaulted drains of the lake Copais, which are carried for thirty stadia through the solid rock, and the clearing of which surpast the power of Bœotia in the time of Alexander, were certainly the work of a people prior to the Greeks.

Herculanum is unquestionably to be rankt among the cities of very great antiquity. It was built on a bed of

[519] Our finding that the Tyrrhenian Pelasgians were employed to build a fortress on the Acropolis at Athens, might lead us to conjecture that the nation enjoyed a peculiar celebrity for this kind of architecture. But no inference can be drawn from this with regard to the origin of the walls in Latium; since the people who were allowed to settle at the foot of Hymettus were Epirot Sicilians, and had no connexion with Italy, as has been shewn in p. 57.

tufo, exactly like that which has buried it. Beneath the former is a soil containing unequivocal traces of tillage[520]: and this cultivation belongs to an age anterior to the first Greek settlement in Italy; since the Greeks had no traditions of any eruptions from Vesuvius, although they collected by inference that the mountain was volcanic.

If a detailed map be framed according to reports, calculations, and bearings, it may deviate in every particular from absolute geographical correctness, and yet be substantially sufficient to give a notion of a country, and enable us to follow the events of its history. When contracted to a small scale, its variations from a precisely accurate one may scarcely be perceptible. So is it with many things handed down to us in the history of nations. If they are detacht from their dates, and such other points as are most exposed to arbitrary and falsifying alterations; and if we do not suffer ourselves to be disturbed by partial incongruities, where there is no contradiction in the main; the limits of universal history will be greatly enlarged.

Thus the legends and traditions collected in this introduction, concerning the various tribes that flourisht in the earliest times of Italy, furnish results which enable us to survey the most important turns of their destinies, and which carry us on so far, that, even beyond the Alps, some of the national movements in the west and north of Europe come within our widening horizon.

The Pelasgians,—under which general name it seems that in Italy the Oenotrians, the Morgetes, the Siculians, the Tyrrhenians, the Peucetians, the Daunians, the Liburnians, and the Venetians may be comprehended,—surrounded the Adriatic with their possessions, as well as the Ægean. That tribe of them which left its name to the Lower Sea, having dwelt along its whole coast up a

[520] Dies. Isagog. in Herc. volumina, 1. p. 9.

considerable way into Tuscany, had also a settlement in Sardinia. In Sicily too the Elymians, as well as the Sicelians, belonged to the same stock. In the interior of Europe the Pelasgians were settled on the northern side of the Tyrolese Alps, and extended, under the name of Pæonians and Pannonians, as far as the Danube: that is to say, if the Teucrians and Dardanians were the same race.

They are standing, in the very earliest traditions, at the summit of their greatness. The legends which tell of their fortunes, exhibit only their decline and fall. Jupiter had weighed their destiny, and that of the Hellens; and the scale of the Pelasgians had risen. The fall of Troy was the symbol of their fate.

As on the east of the Adriatic the Illyrians prest forward from the north, until they were checkt by the mountains of Epirus; so the Tuscans, being driven onward by the Celts, or by the Germans, came down from the same quarter out of the Alps into Italy. In the west of Lombardy they found the Ligurians reaching as far as the lake of Garda. These at that time were one of the great nations of Europe, possessing the country from thence to the foot of the Pyrenees: before this they had also inhabited Tuscany. They now retired from the plains on the north of the Po, behind the Ticinus and into the Apennines. The invaders, pursuing their conquests, expelled the Umbrians, both out of Lombardy south of the Po, and from the inland part of northern Tuscany. From the seacoast, and the south of Etruria, advancing as far as the Tiber, they drove the Tyrrhenian Pelasgians. This limit they reacht about the period which we mark as the first third of the second century of Rome. The impulse of the Tuscan irruption set in motion all the nations then inhabiting the country from the Po to the summit of the Apennines, and forced the Cascans and Oscans, prest onward by the Sabines, upon the Sicelians. As the Pelasgians on the Tyrrhenian

sea were expelled or subjugated, so their other tribes experienced the same fate, in Oenotria from the Greeks, in Daunia from the Oscans, higher up along the Adriatic from the Sabellians and Umbrians. The continued progress of the Sabellians subsequently occasioned the Ausonian Opicans to attack the Latins, a people sprung from an earlier emigration of other tribes belonging to their own race. The further changes do not require a summary.

THE PRELIMINARY HISTORY OF ROME.

ÆNEAS AND THE TROJANS IN LATIUM.

I NOW turn with pleasure toward my proper mark, from the wearisome task of gleaning detacht and mostly unimportant hints concerning the Italian nations: and I retire from the seductive impulse to divine the nature of things gone by and forgotten, by a continually renewed examination of these often uncertain fragments. Yet I must still linger a while on ground of the same kind with the most insecure part of that I have just quitted, but ground belonging essentially to Rome, and over which our road must needs pass to the mythical part of Roman story; a part which must be kept separate, but may not be excluded.

If the object of an investigation concerning the Trojan colony in Latium were to decide with historical probability, by means of direct and circumstantial evidence, whether such a colony actually settled on that coast, a prudent inquirer would decline it. He would deem it absurd to expect any testimonies with regard to an event five hundred years antecedent to the time when all is still fabulous and poetical in the history of Rome. What traces too could have been preserved, to supply the place of evidence, which obviously cannot possibly exist? For the Trojans with Æneas, even according to the account which assigns them the greatest importance, were not an immigrating tribe, such as would alter the people it united

with, and impress its character distinctly on the new formation. In the earliest Roman narrative they are represented as the crew of a single ship: and even in the later, which might lead us to look for a somewhat larger number, they are still no more than a small band, for whom the fields of one village were sufficient. There being no trace of such a settlement to be found in Latium a thousand years afterward, would be no proof that the strangers did not come thither.

The real object of this investigation is, to make out whether the Trojan legend was ancient and homesprung, or whether the Latins adopted it from the Greeks; and whether its origin can be explained. Besides it is worth while to collect the peculiar features of the earliest Roman accounts, which are very little known.

Let none look on this inquiry with scorn, from thinking that Ilion too was a fable, and that a voyage into the unknown West was impossible. It is true, the Trojan war belongs to the region of fable, so that we cannot pick out any one of its incidents as more or less probable than the rest: yet undeniably it had a historical foundation. That the Atrids were kings of the Peloponnesus, is unquestionable. Nor can the voyage to Latium be termed impossible: for the boldness of mariners is by no means checkt by the imperfect condition of their vessels: nor is their knowledge of distant regions to be measured by the notions of their countrymen who stay at home, in an age without books, or maps, or men of learning.

The story that the Trojans were not entirely destroyed at the fall of Troy, but that a part of them survived, and that this remnant was governed by the house of Æneas, is as old as the Homeric poems. True, it by no means follows from this, that the legend which makes the descendants of Æneas rule over emigrants at a distance from Troy, was equally old: we can only say, there is no contradiction between the two. All that is exprest

in the well-known passage of the Iliad * is, that a Trojan people would continue to exist: and it would certainly be more natural to refer the prophecy to the independent Dardanians under Æneas, whose situation would enable them to occupy the desolated territory of Ilium, immediately after the departure of the Greeks, than to a distant settlement in regions which, even if they were known to mariners, were altogether obscure to the poet: only Troas and the Hellespont in the Homeric age had long been full of Æolian colonies. Arctinus of Miletus too, a poet contemporary with the building of Rome, merely related, unless the abstracts in the Chrestomathia of Proclus deceive us, that Æneas and his followers, being terrified by the portentous fate of Laocoon's children, abandoned the city, and withdrew from the general ruin to mount Ida. It is certainly possible that his account of the subsequent fate of the fugitives might be overlookt in those abstracts. But Dionysius was acquainted with the poems of Arctinus, not merely with his *Æthiopid*, but also with his *Destruction of Troy*: for he gives us his story of the stealing of the false Palladium [21]: and he does not combine this story with the accounts which stated that the image was brought by the Trojans into Italy. Now if Arctinus, whose great antiquity Dionysius expressly urges, had related anything about a subsequent emigration of Æneas, it is inconceivable that Dionysius should have neglected his evidence for the settling of the Trojans in Italy, when he was amassing all he could muster out of Hellanicus, Cephalon, and other writers so much more recent.

In the Laocoon of Sophocles [22], Æneas was represented as retiring before the taking of the city, and as having been followed by great numbers to new abodes, the desire of many of the Phrygians. But even if Sophocles took the fable of his tragedy in the main from the ancient cyclic

* xx. 307-308. [21] 1. 69. [22] Quoted by Dionysius, 1. 48.

poet of Miletus, still it no way follows, that he did not exercise his wonted licence, in picking out what he pleased from the stories in other poems on the fall of Troy.

Dionysius does not seem to have been acquainted with Pisander, or with the lyrical poem of Stesichorus on the destruction of Ilion. If we are to believe the account that Virgil formed the second book of the Æneid entirely on the model of Pisander's epic poem[523], we then know that the latter sang, how Æneas after the fall of the city made his escape with a part of the Trojans, and left his home; and that too not as a traitor, nor through the clemency of the Argives. But we are not warranted in drawing any conclusions as to a further coincidence between his story and Virgil's. The age of Pisander, if he was the Camiræan, is quite indeterminate, lying between that of Hesiod and the thirty-third Olympiad.

Stesichorus however sang of the emigration of Æneas, almost in the same way as Virgil: for the representations on the Iliac Table seem entitled to confidence. In them we find the hero preserving his father and the holy things, —with but slight variations from Virgil's description,— and embarking with his followers for Hesperia. Stesichorus, who died in the fifty-sixth Olympiad, lived in the latter half of the second century. Still from the vague account that Æneas led some Trojans into Hesperia, to his founding a colony in Latium, there is certainly a wide step: and it is very doubtful whether Stesichorus reacht this extreme limit. In Arctinus at least his chief exploit was saving the Palladium. Among the holy things too mentioned by Stesichorus, this we may be sure was the most precious treasure. But this Palladium, the Greeks believed, was preserved in the Trojan colony at Siris in

[523] Macrobius, Saturn. v. 2. It is inconceivable that Macrobius should have taken Pisander of Laranda, as has been conjectured, for older than Virgil. If here, as usual, he was merely a compiler, the grammarian he copied from lived still nearer to the age of Severus

Oenotria; on the same coast where they planted so many persons connected with Troy, Philoctetes at Petelia, Epeus at Lagaria, the Pylians at Metapontum, Siris too was in Hesperia; and the first Greeks who sang of a Trojan emigration to Hesperia can scarcely have assigned it a more distant goal. But the name of Misenus in Stesichorus, unless it be an addition on the Iliac Table inserted out of Virgil, decidedly points to the Lower Sea.

The other Greek authorities quoted by Dionysius, we are either totally unable to arrange according to their age, or at least we cannot do it with such certainty as to fix the time when the Latins were first spoken of by the Greeks as a Trojan colony. His trying to uphold the historical truth of the legend, by appealing to the Pythian oracles and the responses of the Sibylline books, is a piece of that superstitious trifling by which he so often provokes us: and the authority is utterly worthless; since the old Roman Sibylline books had perisht, and those in circulation among the Greeks were wretched impostures.

Gergithes on mount Ida was the only Teucrian town that remained after the Æolian invasion[24]: and a Gergithian named Cephalon wrote the history of his nation. In this he related, that Æneas merely led the Trojans as far as Pallene on the coast of Thrace; that he died there, after founding the city of Ænea; and that Romus, one of his four sons, built Rome along with his father's followers in the second generation after the taking of Troy[25]. Being a Teucrian, this writer's testimony is very interesting. It would be of the highest importance, if the expression of Dionysius, who calls him "a very ancient historian[26]," could be taken literally: but he applies the same epithet to Antiochus, who was more recent than Herodotus. We have no right therefore to assume

[24] Herodotus, v. 122. vii. 43.

[25] Dionysius, i. 49. 72.

[26] συγγραφεὺς παλαιὸς πάνυ. i. 72.

that Cephalon was older than the former, that is, than the first half of the fourth century.

The existence of other Trojan colonies in the same quarter was regarded by the Greeks of that century as historically certain. Hellanicus indeed made the Elymians come over to Sicily from Italy, and precede the Sicelians as inhabitants of the island [27]: but Thucydides, no doubt following Antiochus, states that they were Trojans, intermixt with some Phocians, who were cast ashore there on their return from Troy [28]. Scylax too calls them Trojans. Hence there can be no question that, if Thucydides and the Greeks of his age had heard tell of a Trojan colony on the Tiber, they would not have seen anything surprising in it.

Within a century of this time Apollodorus of Gela, the contemporary of Menander, termed Romus the son of Æneas and Lavinia [29]. After the middle of the fifth century, Callias assumed that the Trojans had settled in Latium, and united with the Aborigines, which he indicated by the marriage of Roma with king Latinus [30]. Soon afterward Pyrrhus crost over into Italy, and the eyes of all nations were turned toward Rome. The notion exprest by Pausanias, that Pyrrhus felt himself called upon, as a descendant of Æacus, to wage war against the posterity of the Trojans [31], was very probably borrowed from some contemporary writer; from Hieronymus, or Timæus. The latter, who wrote of having heard from the people of Lavinium, that the images of the Trojan

[27] Dionysius, I. 22. It seems also as if he had not conducted the Trojans under Æneas beyond the country of the Crusseans in Pallene, that is, to the town of Ænea. See Dionysius, I. 48.

[28] Thucydides, VI. 2. Scylax, p. 4. The same singular story of an amicable settlement, in which the fugitives unite with the conquerors humbled by their destiny, occurs again on the coast of Oenotria, at Siris.

[29] Quoted by Festus, v. Romam: the words are sadly corrupt.

[30] Dionysius, I. 72. [31] Pausanias, Attic. c. XII.

gods were preserved in the sanctuary of their temple [32], maintained that the Trojan origin of the Romans was positively certain. In endeavouring to get evidence for it, he was deluded by the fancifulness which often visited him, into imagining that the sacrifice of the October horse was a memorial of the destruction of Troy by the wooden horse [33]. From that time forward the belief in the Trojan colony was universal among the Greeks. In the first half of the next century it was profest by Eratosthenes [34]. It is a mere accident, that we have no Greek work in which it is exprest, more ancient than Lycophron's Cassandra, written about 560 [35].

But along with this there was another legend current among the Greeks; that the Latins were one of the scattered ancient colonies founded by Greek castaways after the Trojan war: which colonies they supposed to have lost their connexion with their mother-country, and been estranged from it. To this class, in the south of Italy, the first city of Metapontum, Petelia, and Arpi, were conceived to belong. Circeii, which was uniformly taken

[32] Dionysius, i. 67.

[33] That this notion, with which we were acquainted through Plutarch, Quaest. Rom. c. 97, and Festus, v. October equus, owes its origin to Timæus, is clear now from the Excerpta de sententiis, p. 381. ed. Maii, where the attack made on him by Polybius is publisht in a state very much fuller than in the old editions: *καὶ μὲν* (read *μὴν*) *ἐν τοῖς περὶ τοῦ Πύῤῥου πάλιν* (perhaps *πολέμου*) *φησὶ τοὺς Ρωμαίους ἔτι* (insert *καὶ*) *νῦν ὑπόμνημα ποιουμένους τῆς κατὰ τὸ Ἴλιον ἀπωλείας ἐν ἡμέρᾳ τινὶ κατακοντίζειν ἵππον πολεμιστὴν πρὸ τῆς πόλεως ἐν τῷ κάμπῳ καλουμένῳ, διὰ τὸ τῆς Τροίας τὴν ἅλωσιν διὰ τὸν ἵππον γενέσθαι τον δούριον προσαγορευόμενον.* Plutarch, when recording this ingenious explanation, as it was delivered by its authors, writes that the Romans would do this as *Τρώων ἀγλαὰ τέκνα μεμιγμένα πωσὶ Λατίνων.* So that he probably found this line in Timæus; and it must then belong to a poet who, comparatively speaking, was of considerable antiquity.

[34] Servius, on Æn. i. 273.

[35] v. 1232. foll. The author has discust the age of Lycophron in his *Kleine Schriften*, pp. 438–451.

by the Greeks for the island of Circe, and was thus a place of interest even to mariners, who recognized the grave of Elpenor in a place overgrown with dwarf myrtles, — whereas the rest of Latium was said to produce only standards [536], — brought the name of Ulysses into these parts. Hesiod calls Latinus and his brother Agrius the sons of Ulysses and Circe, and the soverains of the renowned Tyrrhenians [37]. He, we see, knew nothing of Telegonus, who was named in the room of those brothers in other fables; fables anterior to Sophocles *, and adopted by the later Roman poets, and by the Tusculans. Wherever Latinus, or Romus, or Roma, are spoken of as descended from Ulysses or Telemachus [38], the meaning of the fable is the same. But this notion of a Greek origin is likewise found without any mention of Ulysses. Aristotle related [39], that some Achæans, on their return from Troy, were cast by tempests on the coast of Latium, a district of Opica; that, when they landed to winter there, the captive Trojan women set fire to their ships; and that this compelled them to settle in those parts. The same story was repeated by Heraclides Lembus, so late as after the year 600: and all who, before the sixth century, called Rome a Greek city, and the Romans Greeks, must have adopted views substantially the same.

Now it seems clear to me, that the earliest Greek tradition, of which we may certainly consider Hesiod as the representative, by assigning Latium to Ulysses and his descendants, excludes the Trojans from it: while a very ancient opinion, the historical value of which I may leave to rest on its own merits, brought them, along

[536] Theophrastus, Hist. Plant. v. 9. Scylax, p. 3.

[37] Theogon. vv. 1011–15.

* See the passages quoted among the fragments of the Νίπτρα.

[38] See the latter part of the section on the Founding of Rome.

[39] Quoted by Dionysius, 1. 72.

with the sacred treasures they had saved, to the Siris? If so, the probability is, that, so long as the Palladium was believed to be preserved there, that is, until the taking of Siris by the Ionians, about the year 75, nothing was either said or sung among the Greeks touching a more distant migration of the persons who escaped from the flames of Ilion. But irreplaceable sacred treasures, like the Palladium, if they are lost, are generally given out to have come to light again somewhere else: and then it often happens that several are set up as the true one. Thus a favorable hearing might be gained for the legend, that Æneas took refuge with the gods of Troy in parts far more remote than the Siris, where they were still preserved. To a Teucrian such a report was most acceptable: and he would feel a peculiar interest in strengthening the opinion, that a germ of his race had taken root in a distant region, and that a new people was springing up from it.

In that distant region however must the report have had its rise. For, whatever use learned Romans in the age of Augustus might make of Greek poets, to shew that the tradition was early known to the Greeks, and thereby to establish its truth; still it would be extremely improbable that a belief adopted by the whole nation concerning its own origin should have been borrowed from abroad; even if it could be traced from such poems as were generally known. This however is by no means the case here, as with the fable that Ulysses came to Latium. The latter, it is easy to see, was fostered by the circumstance, that the house of the Mamilii, which was transplanted to Rome from Tusculum, where they had been princes, deduced its lineage through Telegonus from Circe. Above all is it improbable that a belief of this kind should be of forein origin, when it is recognized by the state; by a state too so proud, and so contemptuous toward every thing forein, as Rome. Of its having been so recognized we find remarkable proofs, in

collecting the earliest traces of the Trojan legend among the Romans; proofs drawn from times when Greek literature had certainly not found admission, except with a few individuals.

To the opinion that this legend was generally prevalent among the Romans, it might be objected that among all the Roman festivals none related to Æneas and Ilion. For though a yearly sacrifice was offered by the pontiffs and the consuls on the banks of the Numicius to Jupiter Indiges [540], this no way proves that the notion of this god's being Æneas deified, was of any high antiquity. On the other hand the worship of the Penates at Lavinium is of the greater importance, because, as has been already mentioned, Timæus, who, writing for Sicilian readers, could not invent fables on Roman matters, as Megasthenes did concerning India, related, about the year 490, that he had been told by certain inhabitants of Lavinium, there were Trojan images of clay preserved in their temple.

The first transaction between the Romans and the states of Greece, that we have any account of, is the application made by the senate to the Ætolians for the freedom of the Acarnanians, grounded on the plea of being bound to protect those, whose ancestors, alone of all the Greeks, took no share in the war against their progenitors, the Trojans [41]. Owing to Justin's careless mode of writing, our materials for determining the date of this event are in such confusion, that we cannot make out whether this embassy was not sent even before the year 509: it cannot be put later than 515 or 516. About the same time the senate wrote a letter to king

[540] See the Veronese Scholiast on Æn. I. 260.

[41] Justin, XXVIII. 1. When my history reaches this point, I think I shall be able to shew that the circumstances related by Dionysius, I. 51, which refer still more specifically to the legend of Æneas, belong to this negociation, not to a much later period.

Seleucus, demanding, as the condition of entering into a treaty of friendship and alliance with him, that the Ilians, the kinsmen of the Roman people, should be exempted from tribute[542]. The Ilians were also included by the Romans in their first treaty of peace with Macedonia, in the year 549. Fifteen years after, when the Scipios crost the Hellespont, the Ilians boasted of their affinity with their colony, the Roman people: the Romans were overjoyed at the sight of their mother country: and the consul went up to the citadel to offer a sacrifice to Athene[43]. It would be useless to collect later instances in which the Ilians appealed to this pretended affinity: for the appeal was a dishonest one: they were originally an Æolian colony: and the Macedonian kings, who at one time enlarged the city, at another changed its site, mixt up a conflux of people from various nations with the old inhabitants *.

The traces proving that C. Nævius, who served in the first Punic war, gave a circumstantial description in his poem, of the departure and voyage of Æneas and his father, will be found collected a couple of pages further on.

By this combination of evidence, I think I have establisht the correctness of the view, that the Trojan legend was not imported into Latium by Greek literature, but must be considered as homesprung. When I have added, that in spite of this it has not the least historical truth,—any more than the descent of the Goths from the Getes, or that of the Franks and Saxons from the Macedonians, all which are related with full faith by native writers,—

[542] Suetonius, Claud. c. 25: where that excellent critic, Oudendorp, has proved, that Seleucus, who is there named without any specific epithet, must have been Callinicus, who reigned after 509, Ol. 133. 3. The cause that led him to seek the friendship of Rome, was his war with Ptolemy Euergetes, or that with Antiochus Hierax.

[43] Livy, XXIX. 12, XXXVII. 37, XXXVIII. 39. Justin, XXXI. 8 Polybius, XXIII. 3. * Scylax, p. 35. Strabo, XIII. p. 593. foll.

nor even the slightest historical importance, I should wish to quit the subject. But he who brings forward inquiries of this sort, is seldom permitted to decline expressing his suspicion, if he has one, even where no human sagacity can arrive at a decisive solution; as is the case with the question, what can have been the origin of this tradition. The following hypothesis is with me not a desperate attempt to find some way of escaping from a difficulty: it is my conviction: yet without such a necessity of speaking, I should be silent.

Everything we find to build upon in the old mythological stories, with a view to discovering the affinities of nations, indicates that which existed between the Trojans and the Pelasgian tribes; the Arcadians[544], the Epirots[45], the Oenotrians[46], but more especially the Tyrrhenian Pelasgians. Dardanus comes from the city of Corythus to Samothrace, and from thence to the Simois. Corythus in Virgil is a Tyrrhenian, according to Hellanicus and Cephalon a Trojan[47]. This interchange, the expedition of the Trojans to Latium and Campania, and the wanderings of the Tyrrhenians to Lemnos, Imbrus, and the Hellespont, may safely be interpreted as designating nothing more than national affinity. That the Penates at Lavinium were the gods of Samothrace, was an opinion almost universally received; so much so, that Atticus, though he did not controvert the story about the migration of Æneas, pronounced that the Penates had been brought from that island[48]. The Samothracians too, like the Ilians, are said to have been recognized as the kinsmen of the Roman people[49]: which statement must refer,

[544] Dardanus according to one tradition sprang from Arcadia (Dionysius, I. 68): Æneas arrives in Arcadia.

[45] Helenus settles, and Æneas stays, in Epirus.

[46] Polieum on the Siris is built by the Trojans.

[47] Parthenius, 34. [48] Schol. Veron. on Æn. II. 717.

[49] Servius, on Æn. III. 12: Unde Samothraces cognati Romanorum esse dicuntur.

not merely to a belief entertained by individuals, but to one acknowledged by the government. From this community of religion and of lineage it might ensue, that more than one branch of the nation should call themselves Trojans, and boast of being a colony possessing the Trojan sacred treasures, rescued by them from destruction. For many generations after they had bowed under the yoke of the barbarians, Tyrrhenians would still visit the holy land of Samothrace: and there Herodotus may have heard citizens of Cortona and Placia conversing: there Lavinians and Gergithians may have mutually awakened and strengthened the conviction of their kindred through their common ancestor Æneas. The superiority maintained by the religion of the Tyrrhenians, and by the arms of the Cascans, when the two nations united, is implied in the line, *Sacra Deosque dabo; socer arma Latinus habeto:* only that Latinus himself is to be considered as a Tyrrhenian.

The Trojan descent of the Elymians was no less clearly recognized than that of the colony in Latium. So was that of the ancient Sirites of Polieum.

A belief of this sort does not take long to become a national one, in spite of the most obvious facts and the clearest historical proofs: and then thousands would be ready to shed blood for it. They who wish to introduce it, need but tell people roundly, that it is what their forefathers knew and believed, only the belief had been neglected and had sunk into oblivion.

The legend was altered in a variety of ways. Even imperfect traces of its earliest form, before it experienced the common fate of being adulterated into a tale of something historically possible, demand a place in a history of Rome.

Nævius related it in an episode of his poem on the Punic war, of which fragments and notices are preserved[550].

[550] The fragments referred to may be found in Hermann's Elementa doctr. metricae, III. 9. 31. p. 629. foll.:—

1. Amborum

It is evident that he too, like Arctinus and Sophocles, made Anchises and Æneas quit the city before it was taken. Their wives pass through the gate in the night, with their heads muffled, in tears: many follow their example: yet Æneas found room for his train in a single vessel, which Mercury built for him. The mention of Prochyta shews that the Campanian poet accompanied the emigrants to the term of their voyage. The vicissitudes which Virgil makes them pass through before they reach it, seem in the main to be borrowed from Nævius. We know that the tempest, which in him too assuredly was raised by Juno, the complaint of Venus to Jupiter, and the promises of the future with which he consoles the fond goddess, were imitations of Nævius. I have no doubt that he likewise brought Æneas to Carthage: from him comes the name of Dido's sister, Anna. It must certainly be the Punic princess, who *gently and prudently inquires in what manner Æneas left Troy:* and it is exceedingly probable that he too had already deduced the origin of the national enmity from her fate. The shield of Æneas is certainly a fiction which might readily be suggested by that of Achilles: still it is at least likely, that the shield representing the war of the giants in the poem of Nævius, was an earlier similar application of the Homeric conception to the same hero.

In Varro's story the different parts bore the mark of sources and times totally different. Of a novel kind is the escape of Æneas to the citadel, and his being allowed by the capitulation to depart with as much as each man can carry[551]; whereupon, instead of his treasures, he bears

1. Amborum uxores noctu Troia de (read Troiad) exibant
 Capitibus opertis, flentes,
 Abeuntes ambae lacrimis cum multis.
2. Horum sectam sequuntur multi mortales.
3. —blande et docte percontat,
 Aeneas quo pacto Troiam urbem liquerit.

[551] Dionysius mixes up this story with that of Arctinus.

off his father, who had been paralysed by lightning, and afterward, when the Greeks in admiration at this deed grant him a second choice, the clay and stone images of the gods; in honour of which virtue they permit him to take away whom and whatsoever he will in safety[52a]. A feature belonging to the ancient legend, and reminding us of those of Asia, is, that the morning star continued visible to the Trojans all day long during their voyage, and disappeared when they reacht their destination on the Laurentine shore[53]. An unknown author assigned four years for the term of this voyage[54]. By the token just mentioned, and by the fulfilment of the Dodonean oracle[55], when his hungry band were devouring the herbs on which they had spread their scanty meal, Æneas recognized the land allotted to him by fate[56]. According to Cato, Æneas and Anchises, (for he too reacht the promist land), gave the name of Troy[57] to their first settlement: this did not stand where Lavinium was afterward built. Henceforward we may discover traces of the story as it was told in the *Origins*. Latinus granted 700 jugers to the Trojans. Here the measure of a plebeian hide of land is carried back to the first origin of the Latin nation; and it is intimated that there were but a hundred Trojans. The harmony between the natives and the strangers was disturbed by the wounding of a favorite stag belonging to King Latinus. Turnus[58], prince of the Rutulians of Ardea, united his arms with him against the hated foreiners.

[52a] Servius, on Æn. II. 636; and the Veronese Scholiast, on Æn. II. 717, where we should read *humanarum* for *historiarum*, and *aurum* for *arma*.

[53] Servius, on Æn. I. 381, and II. 801.

[54] Servius, on Æn. I. 259.

[55] Servius, on Æn. III. 256.

[56] This oracle was known to Lycophron: v. 1250. foll.

[57] Servius, on Æn. I. 6, VII. 158.

[58] His name is nothing else than a Latin form of Tyrrhenus: see above, p. 44. The Vatican manuscript shews that Dionysius, I. 64, called him Τυρρηνὸς, as in I. 70 he did the shepherd Tyrrhus.

But the natives were defeated, Laurentum was taken: Latinus was slain at the storming of the citadel[559]: and Lavinia became the prize of the conqueror. The picture, as drawn in more refined ages, is free from these unhappy nuptials with the man by whose arms her father fell: the marriage is there combined with festivities in honour of the peace: though Virgil does not allow himself, like Dionysius and Livy, to make the threatened battle go off in an alliance and union. In other traditions too Lavinia is the mediatress of an alliance with foreiners; being married in one to Hercules, under the name of Launa, the daughter of Evander; in another to Locrus, as Laurina, the daughter of the Oenotrian king, Latinus: nay, Æneas himself marries her in another, under the name of Launa, the daughter of Anius king of Delos *.

The coast of Latium is a sandbank, where nothing grows but firs; and Æneas might well be sorry that his fate had brought him to so poor a country[60]. But he

Here again we have the same duplicity introduced into the notion of the mythical ages, the Tyrrhenians and Trojans combating each other, as the Tyrrhenians and Pelasgians, the Pelasgians and Sicelians did in other legends. That Turnus, in the name of Turnus Herdonius, is a Latin *praenomen*, is anything but certain. The practice of placing an uncommon *cognomen* before the *nomen* prevailed early; and Turnus would be like Siculus, or Auruncus, by the side of very old Roman names in the Fasti.

[559] This story must sound so strange to the reader of the Æneid, and it must seem so incredible that Virgil should have made such alterations from the old tradition, that I transcribe the passages quoted from Cato: they are all preserved by Servius,—on Æn. IV. 620: Cato dicit juxta Laurolavinium cum Aenease socii praedas agerent, proelium commissum, in quo Latinus occisus est, fugit Turnus;—on I. 267: Secundum Catonem—Aeneam cum patre ad Italiam venisse, et propter invasos agros contra Latinum Turnumque pugnasse, in quo proelio perilt Latinus;—on IX. 745: Si veritatem historiae requiras, primo proelio interemtus est Latinus in arce.

* Dionysius, I. 59.

[60] In agrum macerrimum littorosissimumque. Fabius Maximus, quoted by Servius, on Æn. I. 3.

was reminded of the oracle, that his colony should be guided, like those of the Sabellians, by an animal to its promist abode, when a pregnant sow designed for sacrifice broke loose, and escaped to the bushes on a more fruitful eminence. Here it farrowed thirty young ones, and thus not only signified the spot where Lavinium was to be built, but also the number of years that were to elapse before Alba became the capital in its stead, as well as the number of the Latin townships [61].

At the founding of Lavinium the gods gave signs of their presence. The forest on the site of the future city caught fire of itself. A wolf was seen bringing dry sticks in his mouth to feed the flame: an eagle fanned it with his wings. But along with them came also a fox, that dipt its tail in water, and tried to extinguish the fire: and it was not till they had driven him away several times, that the other two were able to get rid of him. This indicated that the people whose mother city was building, would have hard struggles to establish their power against its obstinate enemies. Bronze images of the three fated animals were set up in the marketplace of Lavinium [62].

The poetical story now passes over centuries to the age of the Etruscan dominion in Latium. Nor was it so careless as we might incline to think it, when, knowing nothing of Greek chronology, it placed the building of Rome very near the time of Æneas.

Turnus on his defeat fled for succour to Mezentius, the Etruscan king of Cære; being entitled to require it from him, as from his superior lord, to whom the Rutulians paid the first-fruits due to the gods. According to others, this was the price they gave for his assistance [63]. With this overpowering enemy Æneas fought on the

[61] The latter in Lycophron also, vv. 1253-1260.

[62] Dionysius, i. 59.

[63] Here again is a great fluctuation in the story. According

Numicius, as king of the whole Latin nation. Turnus fell; but the Latins fled. Æneas plunged into the stream, and was never seen more. His spirit, now set free from earthly cares, and deified, was adored as Jupiter Indiges: and so long as a recollection of the ancient rites was preserved, the Roman consuls went every year with the pontiffs, and offered sacrifice to him on the banks of this river[564]. After this battle Lavinium was closely besieged, and reduced to despair; until Jupiter accepted a vow dedicating the produce of the next vintage to him[65]. For the whole growth of the vineyards was demanded by the tyranny of Mezentius, or their first-fruits by his impiety, as the indispensable condition of peace. He fell by the hand of Iulus;—Ascanius was not introduced till late, and out of Greek books;—and the descendants of Æneas became lords of Latium.

These wars are narrated by Virgil, who softens whatever is harsh in them, and alters and accelerates the succession of the events, in the latter half of the Æneid. Its contents were certainly national: yet one can scarcely believe that even a Roman, if impartial, could receive any genuine enjoyment from his story. To us it is unfortunately but too plain, how little the poet has succeeded in raising the shadowy names, for which he was forced to invent characters, into living beings, like the heroes of Homer. Perhaps it is a problem which defies solution,

to Verrius Flaccus (Fasti Praenestini a. d. IX. Kal. Mai.) Mezentius took all the wine for ever as the price of his aid. In Ovid (Fast. IV. 879. foll.) the ground for the tax is the same; but he limits it to half the produce. Cato, in Macrobius, III. 5, says, it was an act of impiety, not of rapacity: to the latter the first-fruits offered to the gods would have been an insignificant object. See also Plutarch, Quaest. Rom c. XLV.

[564] Schol. Veron. on Æn. I. 260.

[65] It would be idle to repeat the variations in Macrobius and Ovid, and the attempts of Dionysius to give a historical colouring to the affair.

to form an epic poem on an argument which has not lived for centuries in popular songs and tales, as the common property of a nation, so that the cycle of stories which comprises it, and the persons who act a part in it, are familiar to every one. Assuredly this problem was beyond the powers of Virgil, whose genius was barren in creating, great as was his talent for embellishing. That he himself was conscious of this, and was content to be great in the way suited to his endowments, is proved by his practice of imitating and borrowing, and by the touches he intersperses of his exquisite and extensive erudition, so much admired by the Romans, but now so little appreciated. He who puts his materials together laboriously and by piecemeal, is aware of the chinks and crevices, which varnishing and polishing conceal only from unpractist eyes; and from which the work of a master, issuing at once from the mould, is free. Accordingly Virgil, we may be sure, felt a misgiving, that all the forein ornaments with which he was decking his work, though they might enrich his poem, were not his own wealth, and that this would at last be discerned by posterity. When we find that, notwithstanding this galling consciousness, he endeavoured, in his own way, to give a poem, which he did not write of his free choice, the highest degree of beauty his hands could bestow; that he did not, like Lucan, vainly and blindly affect an inspiration which nature had denied him; that he did not allow himself to be infatuated, when idolized by all around him, and when Propertius sang:

> Yield, Roman poets, bards of Greece, give way!
> The Iliad bows before the rising lay;

that, when the approach of death was releasing him from the bonds of civil observances, he wisht to destroy what in those solemn moments he could not but view with sadness, as the groundwork of a false reputation; we feel that he is worthy of our esteem, and that we ought to

be indulgent to all the defects of his work. The merit of a first attempt does not always afford a measure of a writer's powers: Virgil's first youthful poem however shews that he cultivated his talents with incredible industry, and that no faculty expired in him through neglect. But it is when he is speaking from the heart, that we perceive how amiable and highminded he was; not only in the Georgics, and in all his pictures of pure still life; in the epigram on Syron's villa: the same thing is no less apparent in his manner of introducing the great spirits that shine in Roman story.

ALBA.

When Jupiter is consoling the weeping mother of Æneas, by revealing the future to her, and telling her how the empire of her son and of his posterity was to mount from step to step, increasing in glory and greatness, up to Rome, to which no bounds or term were assigned[565]; the three years which he promises for Æneas, refer, not to the interval between his landing and his death, but to the duration of the little Troy on the Latian shore, before the two nations united and built Lavinium: although the former period was also reckoned to embrace the same number of years.

Thirty years afterward his successor led the Latins from the unhealthy low grounds on the coast to the side of Monte Cavo, from the summit of which the eye commands a view more ample than the dominion of Rome before the Samnite wars. By the light of the setting sun it can reach Corsica and Sardinia; and the hill which still bears the name of Circe, looks like an island beneath the first rays of her heavenly sire. The line of the long street of Alba, stretching between the mountain and the lake, may still be made out distinctly: along its whole extent the rock is cut away right down to the

[565] Æn. I. 261-279. Probably however three thousand years were allotted to Rome. This, according to Servius, on Æn. III. 284, was one of the many periods assigned for the length of a great year. From a rough calculation of the periodical revolutions of the heavenly bodies, it was supposed equal to a hundred times that of Saturn. This statement has certainly some foundation, though the reference to Cicero's treatise *de natura Deorum* rests on an oversight.

lake. These traces of man's regulative hand are more ancient than Rome. The surface of the lake, as it has been reduced by the tunnel, lies far below the ancient city. When Alba was standing, and before the waters swelled to a ruinous highth from some obstructions in the outlets, it must have been yet lower: for in the age of Diodorus and Dionysius*, during extraordinary drouths, the remains of spacious buildings might be seen at the bottom, held by the common people to be the palace of an impious king which had been swallowed up†. On the steep rock there was no need of a wall: the approaches on both sides might easily be barred. Monte Cavo was the Capitoline hill of Alba: its summits required to be fortified, to secure the town from above: and there is great probability in the conjecture, that, as the citadel at Rome was distinct from the Capitoline temple, so the *Rocca di Papa* was the citadel of Alba.

This account of the origin of Alba stands and falls with the Trojan legend. Another tradition, according to which Lavinium was founded by the Albans, in union with the Latin nation, has been obscured by it, but may still be recognized. A recollection was preserved among the Lavinians, that their city had been built under the soverainty of Alba by six hundred families sent out for that purpose[567]. The legend which tries to combine the two stories, is by no means an innocent poetical fiction, but

* Dionysius, I. 71.

† A similar legend is still current in the neighbourhood of Albano. Its outlines, as it was related to one of the translators by a peasant boy who guided him to Frescati, are as follows. Where the lake now lies, there once stood a great city. Here, when Jesus Christ came into Italy, he begged alms. None took compassion on him but an old woman, who gave him two handfuls of meal. He bad her leave the city: she obeyed: the city instantly sank; and the lake rose in its place. To set the truth of the story beyond dispute, the narrator added, *Sta scritto nei libri.*

[567] Dionysius, I. 67. Ἑξακόσιοι μαλεδωνοὶ τῶν ἱερῶν αὐτοῖς μεταναστάντες ἐφεστίοις.

was fabricated with the express view of making out that Lavinium was the earlier seat of the Penates. It related, that Ascanius carried away these gods with him, when he and all his people left Lavinium: but as the images twice quitted their new temple, after its doors had been closed, and returned to the forsaken one in the desolate city, the Alban king yielded, and sent the six hundred families to settle round their sacred abode.

I am not bringing forward a hypothesis, but the plain result of unprejudiced observation, when I remark that Lavinium, as its name implies, was the seat of congress for the Latins, who were also called Lavines; as Panionium was that of the Ionians in Asia. When a legend contains names supposed to have belonged to individuals, this goes far toward giving it the look of being something more than a fiction. Hence many, who otherwise might still insist that the Trojan legend ought not to be absolutely rejected, may perhaps change their opinion, when they discern that Lavinia and Turnus are only personifications of two nations, and that Lavinium was a more recent city than Alba. The same impartial observation convinces me, from the number of the six hundred families, that each of the thirty Alban hamlets, and each of the thirty Latin towns sent ten; or rather that a connexion subsisted, in consequence of which this was conceived to have been the case[568].

I have spoken here of two distinct unions, each consisting of thirty places, the whole body of which might be called Latins. From not making the same distinction, the historians have been led into glaring contradictions with

[568] That the word *sexcenti* should have been used to signify the greatest possible number, or at least a very great one, is no longer surprising, when we reflect on the frequent occurrence of twice thirty, first among the Albans and Latins, and then among the Romans and Latins, where each unit contained ten decuries. What completely fixt the usage, was, that for a long time the Roman cohort consisted of six hundred men.

what they elsewhere assume to be true. They fancy that all the Latins proceeded from Alba, as colonies, the founding of which they ascribed to Latinus Sylvius; that these were the *Prisci Latini*, whose submission was demanded by the Roman kings, on the plea of having succeeded to the supremacy of Alba, and was enforced by Tarquinius: and these *Prisci Latini* are also said to have consisted of thirty towns [569]. Yet it is quite clear that Laurentum and Ardea, according to the legend of Æneas, existed long before Alba, although Lavinium, after its pretended restoration, was regarded as a colony. In like manner Tibur, as we see from similar legends, was held to be older than Alba. Yet nobody would have doubted that all these belonged to the *Prisci Latini*, and were among their thirty cities. But though Livy and Dionysius contradict themselves, it was not so with the writers they copied. Pliny, after enumerating above twenty Latin towns of which no trace remains, subjoins a list of the Albian townships, consisting of the Albans, and thirty others whose names are alphabetically arranged: all these, he says, of yore partook, along with the Latins, of the flesh of the victim on the Alban mount, and like them have become extinct [70]. Here again the name he gives them of *populi Albenses*, and their number

[569] Ab eo (Latino Sylvio) coloniae aliquot deductae, Prisci Latini appellati: Livy, I. 3. Tarquinius demands their submission as a right: quod, cum omnes Latini ab Alba oriundi sint, in eo foedere teneantur quo res omnis Albana cum colonis suis in Romanum cesserit imperium: I. 52. Dionysius, III. 34, speaking of Tullus Hostilius: πρίσβεις ἀποστείλας εἰς τοὺς ἀποίκους τε καὶ ὑπηκόους αὐτῆς (τῆς Ἄλβας) τριάκοντα πόλεις. That the ὑπήκοοι here are the same as the ἄποικοι is proved by the particle τε.

[70] Pliny, III. 9: Cum his carnem in monte Albano soliti accipere populi Albenses: Albani—Aesulani, Acienses, Abolani, *Bubetani*, Bolani (perhaps *Bovillani*), Cusuetani, *Coriolani*, Fidenates, *Foretii*, Hortenses, Latinienses, Longulani, Manates, Macrales, Mutucumenses, Munienses, Numinienses, Olliculani, Octulani, *Pedani*, Polluscini, *Querquetulani*, Sicani, Sisolenses, *Tolerienses*, Tutienses,

speak for themselves, and leave no doubt that these, and not the more important cities, were the thirty places said to have been colonies from Alba: Many among them may actually have received Alban colonists; as Roman colonists were sent to the places reduced by the first kings in the neighbourhood of Rome. But on the whole it is evident that there was a division, like that of the thirty plebeian tribes under the legislation of Servius: they were the boroughs of a free commonalty.

Their partaking of the flesh of the victim along with the other Latin states on the Alban mount, shews that the latter stood in the same relation to Alba as they subsequently did to Rome. Most assuredly they were dependent cantons, and thirty in number, not however the very same which afterward entered into a confederacy with Rome: there were only some of these; and the number was made up by several of the towns, which fell into the hands of the Romans, and were colonized or destroyed, such as Medullia and Cameria.

Thus by the present investigation we have gained the same cheering result, which has rewarded the labour spent on many of those comprised in this work. That which seemed to be absurd, was so only while we lookt at it superficially: and it covered a groundwork of uncorrupted truth, which may be brought to light. Thus history critically treated becomes much richer in facts, than the credulous repetition of traditional tales.

No visible ruins remain of any building erected by the ancient Albans. Of the temple of Jupiter Latiaris the very foundation-walls have been destroyed, which must

Vimitellarii, Velienses, Venetulani, Vitellenses. I have only altered the punctuation before and after *Albani*, which in the editions makes nonsense of the passage, and emended *Aesulani* and *Pollusoini*. Of the whole thirty names only six or seven, which are here printed in italics, occur in the list of the thirty towns given by Dionysius, v. 61, even after adopting the corrections of the Vatican manuscript, and those of Lapus.

probably have belonged to the most remote antiquity. Among the works executed by Alba however, one is still the source of blessings at this day, as it was five-and-twenty-hundred years ago; and it will continue to be so imperishably. But the present generation have no suspicion that they are indebted for their most fruitful fields to the prince of a city, which, lying in remote obscurity, even beyond the fabulous ages of Rome, has almost left its existence a matter of doubt. The honour and gratitude due on this score I challenge in behalf of Cluilius; whose name appears in Roman history, but has been foisted into a very inappropriate place.

The valley of Grottaferrata, as our eyes tell us, is the site of a marsh that has been drained, or rather of a lake that has been let off, like the *vallis Aricina*. Now we read of a *vallis Albana* under the Tusculan hills[671]: this can be no other than that valley; which consequently belonged to the immediate domain of Alba. The water from it is carried off by two channels: one of them is a canal, which runs into the Teverone; the other a tunnel hewn through the rock, half a mile long, in the grand style of very early ages, leading to the Campagna[72]. Here, where only bad water is to be got, and even that must be drawn from very deep wells, the water brought by this dyke, though muddy, was at least very serviceable for the cattle and the soil. Its course at first was probably toward the sea: but even in the time of the Roman kings it was turned into the city; where it now flows through the valley of the

[671] Livy, III. 7. In Tusculanos colles transeunt—descendentibus ab Tusculano in Albanam vallem.

[72] This is stated by Fabretti, an extremely trustworthy witness, De aquis et aquaeductibus, n. 270: who however does not recognize the Cluilian dyke, any more than his brother topographers. On the hill through which the tunnel is carried, stands Centroni, an extensive ruin. Unfortunately I did not read Fabretti's work till after my return from Rome; and I never heard of that tunnel while I was there.

Circus into the Tiber, bearing the name of *la Marrana* all the way from its origin. The portion of this dyke above the spot where the Romans turned it off, is the Fossa Cluilia, so called after the Alban dictator by whom this great work was executed. Five miles from the Porta Capena, on the Latin road, and the Cluilian dyke, is the place where Coriolanus encampt: and in this very spot, by the ruinous hamlet of Settebassi, the Latin road crosses the Marrana.

The list of the Alban kings is a very late and clumsy fabrication; a medley of names, some of them not even Italian ones, some of them repetitions out of earlier or later times, others coined out of geographical names; and with scarcely anything of a story belonging to them. We are told that Livy took his list from L. Cornelius Alexander the Polyhistor[573]. Hence it was probably this client of Sylla that introduced the imposture into history. The variations between Livy's list and others are not very material, and are no proof that there was more than one ancient source. Some of the names may have been taken from older legends. Of the kings of the Aborigines too some names have been handed down[74]; and these are entirely different from the Alban. We are even told how many years each of the Alban kings reigned: and the number so exactly fills up the interval between the fall of Troy and the founding of Rome, according to the canon of Eratosthenes, that this of itself shews the late age of the imposture.

For in earlier times the Romans reckoned three hundred years between the building of Alba and that of Rome[75]. Even if the number occurred only in Virgil, it would still be clear that this was a statement of much higher antiquity, and that he did not invent the

[573] Servius, on Æn. VIII. 330.

[74] Stercenius for instance, unless the name be mispelt. Servius, on Æn. XI. 850.

[75] Æn. I. 272.

arithmetical progression, three, thirty, three hundred. He might think himself justified in retaining what an earlier poet had related: but he would never have been seduced by numerical symmetry to assign dates, the incorrectness of which he must have perceived, as easily as any schoolboy, from the tables of Apollodorus or Cornelius Nepos. It is an unexpected gratification however, to find that ingenious writer, Trogus Pompeius, who treated the origin of Rome, like the early history of other nations, with discriminating freedom, reckoning in the same manner no more than three hundred years for Alba[576]: and so did Livy himself, when he assumed four hundred years for its duration until its destruction about the year 100 of Rome[77]. This however was not the only ancient chronological statement at variance with that of the Greeks. According to one, which Servius has recorded, 360 years elapst between the fall of Troy and the building of Rome[78]; just as many as between the building of Rome and its capture by the Gauls. Now we find two other statements, the combination of which leads us to this second number, and at the same time reconciles it with the former. The first is, that Æneas lived seven years after the fall of Troy,

[576] Justin, XLIII. 1. Alba quae trecentis annis caput regni fuit.

[77] Livy, I. 29. Quadringentorum annorum opus, quibus Alba steterat. The same thing is mentioned by Servius, on Æn. I. 272, as a difficulty: cum eam quadringentis annis regnasse constet sub Albanis regibus: and he solves it as I have done in the text. Tanaquil Faber, in a note on the passage of Livy, has observed its connexion with the line of Virgil. Duker, on the same passage, refers to Dodwell De Cyclis, diss. X. p. 678, who has noticed almost all the passages I have cited, and has perceived the nullity of the Alban line of kings.

[78] Servius, on Æn. I. 267. I hope I shall not be encouraging mysticism and a childish love of trifling with numbers, when I remark the singular play of chance, that there were just 360 years from the destruction of Rome by the Gauls to the conquest of Alexandria, the foundation of the monarchy; and the same number from the latter event to the dedication of Constantinople.

engaged in his wanderings, or in war[579]; the other, that Silvius could not obtain possession of the throne before his fifty-third year[80]. I will not vouch that a Silvian house actually reigned at Alba: the fact however was assumed in the Alban records. The existence of such a house presupposes that of a hero, Silvius or Siluus. Now if the Latin tradition, such as it was independently of the Trojan legend, made Silvius the founder of Alba, and three hundred years the interval between the beginning of his reign and the building of Rome; then in order to introduce him into the Trojan legend, and to fill up the interval of three hundred and sixty years between Troy and Rome, it became necessary to take fifty-three years from the death of Æneas, as the time during which Silvius, his postumous son, was unjustly excluded from the throne. And it is for the sake of reconciling these native Alban Silvii with the Trojan legend, that the posterity of Ascanius are removed out of the way by the abdication of Iulus.

From Silvius, their maternal ancestor, the Roman tradition derived the founders of the city. But it did not represent the Romans as a colony from Alba.

[579] Dionysius, I. 65; and Servius, on Æn. I. 269: for he assumes four years for the wanderings of Æneas; to which must be added the three spent in the Latian town of Troy. In the Æneid the Trojans do not reach Carthage till the seventh year of their voyage.

[80] I am aware that Servius, on Æn. VI. 770, says this of Silvius Æneas. But it seems evident that what was invented for the one Silvius, has here been transferred to the other; who is wholly wanting in Ovid. The same thing has happened in numberless instances.

ROME.

TRADITIONS ON THE FOUNDING OF THE CITY.

Among all the Greek cities built after the return of the Heraclids, there was none so insignificant, that Ephorus, and the writers after him, who introduced accounts of the origin of cities into their general histories, would have been unable to state specifically and with sufficient certainty, from what people the colony had issued, and who were the founders that led and gave laws to it: in far the most cases they also fixt the epoch of the foundation. With regard to Rome, the story of her foundation, though she is supposed to be more recent than perhaps the greater part of those towns, and the people from whom the eternal city originally sprang, are the very points on which we are the most in the dark. But it well became the eternal city, that its roots should be lost in infinity: nor was the story told by the poets of the infancy and deification of Romulus less in accord with the majesty of Rome. A god or no one must have founded it.

While I acknowledge this however with a feeling, the sincerity of which none but a bigot, himself insincere, could seek to question; and while I allow the heart and the imagination their full claims; I at the same time assert the right of reason, to refuse to admit anything as historical, which cannot possibly be so;

and I purpose, without excluding that noble tradition from its place at the threshold of my history, to inquire whether there be any possibility of ascertaining to what people the first Romans belonged, and what were the changes attending the rise of that state, which, when the light of historical truth begins to dawn, is Rome.

When the inhabitants of Rome, as their town began to emerge from insignificance, so that they could feel a pride in their name, lookt back upon their dark ages, and retraced the growth of their community; it was natural for them to call the founder of their nation Romus, or, with the inflexion so usual in their language, Romulus. Supposing that there was in their neighbourhood a town called Remuria, inhabited by a kindred race, which had been sometimes in alliance, sometimes at war with them, and which had fallen before their arms, they might represent its founder, Remus, as the twin brother of Romulus, and as slain by him in a fit of passion: and in proportion as their state grew up under the peculiar character of a twofold community, the more firmly rooted would the notion be, which regarded the city as founded by twins. The story of Romulus might in other respects have been the invention of foreiners, as well as of the Romans themselves: but it is not so with this latter notion, which does not occur in any other state, and which is so peculiarly adapted to Rome. And that story is proved to have sprung up on the site of the city, by the den of the shewolf, the figtree at the root of which the sucklings were saved, by all the relics of Romulus, and by the rich poem connected with so many local circumstances, of which foreiners knew nothing. In what manner all this gained a shape in the mind and on the lips of poets and storytellers; and how many generations past away, during which long current traditions of other nations may perhaps have been applied to the origin of Rome, before that, which began as poetry, became a popular belief; these are points on which we must and

may be satisfied to remain in ignorance. If the annals were restored, and received their present chronological outline, soon after the taking of the city by the Gauls, it is clear,—nor does it in other respects admit of doubt, —that even thus early Romulus was represented as the first king.

Considering how few monuments have been preserved from the early ages of Rome, we may regard it as comparatively an ancient testimony of a belief living among the people, and recognized by the state, that in the year 458 bronze figures of the shewolf and the babes were set up near the Ficus Ruminalis; the oldest and finest work of Roman art; which has reacht us, like the Homeric poems, though so many more recent works have been lost.

The story, which settled as an article of popular belief, was, that Rome was built by twin-brothers, who were the sons of a princess defloured by Mars, and who had been delivered by divine aid from a watery death, and fostered and suckled by a shewolf, the animal sacred to their sire. The outlines of this tradition could not but receive a variety of modifications in the course of ages: and there probably were other forms beside the two main ones under which we find it, according as it is connected with Alba and the Silvii, or with Æneas.

I will refrain yet a while from relating the former of these legends, which everybody knows, and which, if it were not interesting to restore such features as have been altered in the later representations, it would be sufficient to allude to: in the second, which was adopted by Nævius and Ennius, the unfortunate princess was called Ilia, the daughter of Æneas[581]. It may be conjectured that in this also she was represented as a Vestal: else there would have been no plea for condemning her to death. She was thrown into the Anio: her fortune

[581] Hence came the story of Æmylia and Ares: Plutarch, Romul. c. 2.

rose again out of the stream [582]: the river-god made her his bride [83]. Virgil's description of the generous brute, feeding and caressing the babes in her den, was copied from Ennius [84]. In him too the tyrant bore the name of Amulius: and that he did so in Nævius, seems hardly to be questioned; for there is a very corrupt fragment, which may easily be corrected by introducing this name, but scarcely in any other manner [85]. I cannot discover the slightest indication however, whether these old poets supposed any affinity between this Amulius and the house of Æneas; or how they accounted for Ilia's being his subject; or whether they made mention of Ascanius or of Silvius. In the fragment of Ennius, Ilia is an orphan; for her father appears to her in a dream. Her sister, to whom in her terrour she relates her nocturnal vision, is the daughter of a Eurydice.

That ingenious critic, Perizonius, whose subtile observations were lost on his contemporaries, has shewn that the mother of Romulus, when she is called Ilia, is always the daughter of Æneas; when Rea Silvia, an Alban princess; and that Ilia is never called Rea [86]. I will add, that the name *Rhea* is a corruption introduced by the editors, who very unseasonably bethought themselves of the goddess: *rea* seems to have signified nothing more than *the culprit* [87]. The semblance of a proper name may indeed have arisen early. At least it was certainly from some tradition that Virgil took the priestess Rea, who bare Aventinus to Hercules [88]; a duplicate of the Alban

[582] Post ex fluvio fortuna resistet: Ennius, p. 124.

[83] Servius, on Æn. I. 274, and VI. 778. Acron and Porphyrius, on Horace, Od. I. 3.

[84] Servius, on Æn. VIII. 631.

[85] See Hermann's Elem. doctr. metr. p. 631.

[86] Excursus on Ælian, V. H. VII. p. 510. ff.

[87] Or the guilty woman. It reminds us of the expression, *rea femina*, which often occurs in Boccaccio.

[88] Æn. VII. 659.

Silvia, with a happier destiny, and perhaps the daughter of Evander.

Rea Silvia has no necessary connexion with Æneas. That the tradition concerning her is more ancient than the one concerning Ilia, I conjecture, because the computation which makes 333 or 360 years intervene between Troy and Rome, is to all appearance at least a century and a half older than Nævius. The perplexing point is, how the writers who reckoned the years of Rome in this way, could adopt Ilia. When the Greek computations, which extended that interval to between 430 and 440 years, became generally known, she necessarily disappeared. I look upon it as almost certain, that it was by some unknown Greek poem, one of those which brought Romulus close to the time of Æneas, that Ilia was imported into Latium.

A careless expression used by Plutarch, which in fact merely asserts that one Diocles of Peparethus first made the story of Silvia known to the Greeks *, has, from his simply adding that Diocles was the writer mostly followed by Fabius, unaccountably given rise to the notion that the story was the invention of this unknown Greek, a person so insignificant that Dionysius has not even admitted him into his host of Greek authorities. Nothing but Plutarch's expressly asserting that Fabius, who was a senator, and whose narrative coincided with the sacred songs [589], had copied a Greek, and had himself avowed it, could compell us to yield to the evidence of a fact so incredible. As no such evidence exists, there is nothing to prevent our supposing, that Plutarch only inferred what he says from the agreement between the two writers, Diocles being perhaps a little the elder. Nevertheless it was from Romans that he heard, what the Greeks read for the first time in his work.

Of the other Roman accounts, Dionysius mentions

* Romul. 3. [589] Dionysius, 1. 79. See below, note 616.

one, where Romulus and Remus were the grandsons of Æneas, and were delivered up as hostages to Latinus, who left them a part of his kingdom[590]. He also cites another which was copied from Cephalon[91]. Among the Roman writers preserved to us, Sallust alone unequivocally and expressly adopts the opinion which carried Rome back to the age of Troy; for the mere purpose assuredly of getting rid of Romulus and the marvellous fable. It is a feature characteristic of such writers, that to do this he admits the settlement of Æneas, though quite as destitute of historical foundation. Had Velleius spoken of the armies of Latinus as supporting his grandson Romulus at the founding of the city, at the same time that he assumed the common era for the building, he would have confounded the two opinions with a carelessness so contrary to his usual practice, that we must needs adopt the emendation proposed by Lipsius[92].

While the native legend however is simple in the main, the statements of the Greeks as to the founder of Rome, and the person after whom it was named, present greater varieties than occur in the case of any other city. It is clear that they were early aware of the power and importance of Rome, and that too before intercourse had made them acquainted with the Romans: hence they introduced this people into their genealogies. But as nothing was related of them in any poem of general notoriety, and it was not till very late that the native legend crost the sea, one writer after another invented a story to express his own view. These accounts do not properly deserve to be called traditions; and they might be past over without any material loss to the history. But as the reports of them are so jumbled together, that no slight pains are requisite to arrange them for a general view, and as I

[590] Dionysius, 1. 73.

[91] Dionysius, 1. 73. See below, notes 600 and 610.

[92] Adjutus legionibus *Latinis* avi sui; instead of *Latini*. 1. 8.

have attempted to do so, I will allow them the inconsiderable space which they will occupy when reduced to order. Others will thus be spared a wearisome task: and unless a complete survey be taken of them, they may seem to promise what they by no means fulfill [93].

Among these fictions however we are not to class the mention made of Rome by Antiochus, who related that Sicelus was flying from thence, when he came to the Italian king Morges [94]. Hereby he designates Roma as one of the chief cities of the Tyrrhenian Siculians: so that he contradicts the opinion of its Trojan origin; though he is not on that account to be reckoned as denying the settlement of the Trojans in Latium. Connected with this view is the statement that Rome was founded by the Pelasgians. They who held this people to be Greeks, said, that, being a warlike race, they gave their city a name expressive of their vigour: while such as lookt upon them as an Italian tribe, fabled that the first name was Valentia, and that afterward, when Evander and Æneas, with their followers, who spoke Greek, took possession of the country, it was exchanged for the corresponding Greek word [95]. Moreover, according to that quality in traditions which we have so often remarkt, the Pelasgic origin of Rome is implied in the legend that the author of its name was Romus, a Latin tyrant, who drove the Lydian Tyrrhenians out of this

[93] They are preserved by Dionysius, I. 72, 73; by Plutarch, Romul. 2, 3; by Servius, on Æn. I. 274; and by Festus, v. Roma. Solinus has only made extracts, like Festus, but far more scantily, from Verrius Flaccus, who himself seems to have drawn chiefly from Dionysius.

[94] Dionysius, I. 73.

[95] Certain writers not named in Plutarch; a Cuman chronicle in Festus; Adeius (whose name apparently is mispelt) in Servius. The chronicle of Cuma makes the Pelasgians proceed from Athens through Thespiæ (in Bœotia) to the Tiber; while the Greeks gave their emigration the precisely opposite direction. In the very corrupt passage of Festus I venture, instead of *subjecti qui fuerint Caesimparum viri, unicarumque virium*, to read, *subj. q. f. Caci, improbi v. un. v.*

region [596]. Many writers, says Dionysius, call Rome a Tyrrhenian city [97]. By this most of them, like Scylax, probably understood an Etruscan one: the earlier however may have meant a Pelasgian.

With these exceptions, the Greeks who mentioned the founding of Rome, before the time of Timæus, were unanimous in opinion, that it was built immediately, or in two or three generations, after the fall of Troy. But n one point they were divided: while most of them considered the Trojans as the founders, either alone, or in conjunction with the Aborigines; some on the contrary contended for Greeks; others for a mixt band of the two nations.

Among the advocates of the first opinion, few ascribed the founding to Æneas himself; a far greater number to Romulus, whom they described, some as his son (coming, according to some writers, from forein parts into Italy, according to others born of an Italian mother), some as his grandson, or more remote descendant [98]. Callias, the historiographer of Agathocles, represented

[596] Plutarch. This is another instance of an inverted fable.

[97] Dionysius, 1. 29. Scylax makes Tyrrhenia reach μέχρι Ῥώμης πόλεως.

[98] Æneas is supposed to be the founder, by those who derived the name of the city from his wife Roma; the daughter of Telemachus (Clinias in Servius), of Italus, or of Telephus (Plutarch): Romulus, or Romus, or both of them, the sons of Æneas, and of Creusa, Priam's daughter (the old scholia on Lycophron, in Tzetzes on v. 1226; probably also Cephalon, Agathyllus, and Demagoras, in Dionysius), of Dexithea (Plutarch), of Lavinia (Apollodorus in Festus); the grandsons of Æneas, and sons of Ascanius (Eratosthenes in Servius, Dionysius of Chalcis in Dionysius). To this account also belongs Roma, the daughter of Ascanius (Agathocles of Cyzicus in Festus). According to another account of the same Agathocles, Romulus is a still more remote descendant of Æneas: and one Alcimus (in Festus) called Romulus the son of Æneas, but Romus the grandson of Romulus by Alba, and the founder of the city. There is a connexion between the Trojan legend and that which terms Romus the son of Emathion, sent by Diomedes from Troy: Plutarch.

Romulus and Romus as the founders of the city, calling them the sons of king Latinus, by a Trojan heroine, Roma, who persuaded the women to put an end to their wanderings by setting fire to the ships. The same fable is alluded to by Lycophron[599]. Even Cephalon of Gergithes, the most ancient of the writers quoted, had spoken both of Romulus and Romus, as the two younger of the four sons of Æneas, who had died in the peninsula of Pallene. Ascanius shared his inheritance with them: whereupon they emigrated, and founded Rome, Capua, and two fabulous cities, Anchise and Æneа[600]. This was copied by a Roman writer, whose name Dionysius does not mention; and who absurdly added, that this most ancient Rome was afterward destroyed, and that the city was rebuilt by a second Romulus and a second Remus.

Motley as are the changes which all the other circumstances undergo in the Greek stories, they speak of the two brothers very early. Hence, even when they wrote of Roman history according to native accounts, the Remus of the Latins always goes with them by the name of Romus.

With regard to the second opinion, which makes Rome a Greek city founded at the time of the return from Troy, I have already mentioned that it was related by Aristotle[1]. It is also implied in the tale that a son of

[599] v. 1252, 53: where we clearly are not at liberty to read ἔξοχον ῥώμῃ γένος with some of the manuscripts, instead of ἔξ. Ῥώμης γένος. Roma plays a part in these fables under a great variety of forms. She is represented as setting fire to the ships of the Trojans, or of the Greeks; as the daughter of the virago who did so, of Italus, of Telephus, of Ulysses, of Telemachus, of Ascanius, of Evander (and thus as the same person with Launa who married Hercules); as a priestess who prophesied to Evander (that is, Carmentis); and she is wedded to Æneas, to Ascanius, and to Latinus.

[600] Dionysius, I. 73. The name of Anchise may perhaps have been formed from Anxur.

[1] See p. 186. A writer, who related peculiarities of manners so trifling as the custom of greeting relatives with a kiss (Plutarch,

Ulysses and Circe was the founder of Rome[602]. And this must have been the notion of Heraclides Ponticus[3] at the beginning, and of King Demetrius the Besieger[4] soon after the middle of the fifth century; who cannot possibly have supposed that the Romans were of Greek origin in any other way, or a colony of the later strictly Greek tribes. According to the Greek mode of thinking, it was a politic method of gaining influence over powerful barbarians, who would not submit to be commanded, to treat them as of Greek extraction: this was the last refinement of flattery. By these accounts the Trojan legend is excluded. It was only at a very late period that the Trojans, after they had entirely disappeared, began to be reckoned among the Greeks. Scylax terms the Elymians of Sicily Trojans and barbarians[5]. From this Greek legend Roma and the burning the ships were transferred by Callias to the Trojan one.

A similar medley prevails in Lycophron[6], who introduces a band of Mysians under the sons of Telephus, Tarchon and Tyrrhenus, that is, of Tyrrhenians. Telephus himself was of Arcadian descent; and the Ceteians were probably a different people from the Mysians, as the Meonians were from the Lydians. It also occurred, as Dionysius tells us, in the chronicle which followed the succession of the Argive priestesses. In this legend the founders of the colony are Trojans; in Lycophron the brothers, the offspring of Æneas; in the Argive

Quaest. Rom. 6. p. 265. b.), must have had more than a superficial knowledge of Rome, although he adopted the legends of the Italian Greeks on its antiquities.

[602] Romus (Xenagoras in Dionysius); Romanus (Plutarch). That Romus is a national name here, is proved by those of his brothers Ardeas and Antias: so that Xenagoras belongs to the number of those who asserted the Tyrrhenian character of the city.

[3] Plutarch, Camill. 22.

[4] Strabo, v. p. 232. b: where we must read τοὺς ἁλόντας τ. λ.

[5] p. 4.

[6] v. 1242. foll.

chronicle Æneas himself: the Greeks are companions of Ulysses. The latter makes his appearance even in the poems of a later age: and he too was connected with Romulus and Remus; for Latinus, who in this shape of the story is again said to have been their father, by the Trojan heroine Roma, is termed the grandson of Ulysses through Telemachus [607].

Apart from all these writers stands Scylax,—who applies the ennobling epithet ἑλληνὶς to every city of Greek origin, even when degraded by barbarian conquest, and who calls the Elymians Trojans, — and others, who according to Dionysius ascribed Rome to the Tyrrhenians [8]: that is to say, if, like Scylax, they meant the Etruscans.

I have said that Timæus seems to have been the first historian among the Greeks who introduced Romulus and Remus into history as remote descendants of Æneas. He wrote not many years after Callias, but cannot have adopted his opinion: for he took the building of Rome to be contemporaneous with that of Carthage; and he dated the latter nearly 380 years after the destruction of Troy. The same account however may perhaps have been given by Hieronymus of Cardia, who in his history of Alexander's successors, written about the time of Timæus, gave a short sketch of the early history of Rome. Dionysius censures its meagreness, as well as that of Timæus and Polybius, in whom the narrative had already become more copious [9]. For himself he warns the readers of those three writers not to suspect him of fabricating, should they find more in him than in them: but he does not put the case of their relating what was totally different. Yet even after their

[607] There are some other statements concerning the foundation of Rome, which cannot be made to fit into this series. Romus is called by Antigonus in Festus the son of Jupiter; by an anonymous author in Dionysius, the son of Italus and of Electra, the daughter of Latinus: that is to say, Rome was a primeval Italian, and a Trojan city. [8] Peripl. p. 2. See above, note 597. [9] 1. 7.

time the older Greek legend was preserved among the philologers and readers of rare old books, who sprang up at Alexandria; and who refused to draw from any source but the early literature of Greece. Heraclides Lembus, about the year 600, repeated Aristotle's story of the Achæans and the captive Trojan women. The old scholia on Lycophron, which, even in their original form, were perhaps of a still later date, called Romulus and Romus the sons of Creusa, the daughter of Priam. Nay, Orus of Thebes, who cites Cephalon, describes them as the sons of Æneas and founders of Rome [610].

[610] Etymolog. Magn. v. Καπύη and Ῥώμη. Compare Sylburg's note. A remarkable instance of the way in which the fables received from Italy were jumbled together, is afforded by the account taken from one Promathion in Plutarch; where the legends concerning the birth of Romulus and that of Servius are mixt up in the strangest manner.

ROMULUS AND NUMA.

THE old Roman legend ran as follows. Procas king of Alba left two sons. Numitor, the elder, being weak and spiritless, suffered Amulius to wrest the government from him, and reduce him to his father's private estates. In the enjoyment of these he lived rich, and, as he desired nothing more, secure: but the usurper dreaded the claims that might be set up by heirs of a different character. He had Numitor's son murdered, and appointed his daughter, Silvia, one of the vestal virgins.

Amulius had no children, or at least only one daughter: so that the race of Anchises and Aphrodite seemed on the point of expiring, when the love of a god prolonged it, in despite of the ordinances of man, and gave it a lustre worthy of its origin. Silvia had gone into the sacred grove, to draw water from the spring for the service of the temple. The sun quencht its rays: the sight of a wolf made her fly into a cave [611]: there Mars overpowered the timid virgin, and then consoled her with the promise of noble children, as Posidon consoled Tyro, the daughter of Salmoneus *. But he did not protect her from the tyrant; nor could her protestations of her innocence save her. Vesta herself seemed to demand the condemnation of the unfortunate priestess; for at the moment when

[611] I insist in behalf of my Romans on the right of collecting the poetical features of the story, wherever they are to be found, when they have dropt out of the common narrative. In the present case they are preserved by Servius, on Æn. I. 274; the eclipse, by Dionysius, II. 56, and by Plutarch, Romul. c. 27.

* Homer, Od. XI. 235-259.

she was delivered of twins, the image of the goddess hid its eyes, her altar trembled, and her fire died away[612]. Amulius ordered that the mother and her babes should be drowned in the river[13]. In the Anio Silvia exchanged her earthly life for that of a goddess. The river carried the bole or cradle in which the children were lying, into the Tiber, which had overflowed its banks far and wide, even to the foot of the woody hills. At the root of a wild fig-tree, the Ficus Ruminalis, which was preserved and held sacred for many centuries, at the foot of the Palatine, the cradle overturned. A shewolf came to drink of the stream: she heard the whimpering of the children, carried them into her den hard by[14], made a bed for them, lickt and suckled them. When they wanted other food than milk, a woodpecker, the bird sacred to Mars, brought it to them. Other birds consecrated to auguries hovered over them, to drive away insects. This marvellous spectacle was seen by Faustulus, the shepherd of the royal flocks. The shewolf drew back, and gave up the children to human nurture. Acca Larentia, his wife, became their fostermother. They grew up, along with her

[612] Ovid, Fast. III. 45.

[13] In poetry of this sort we have no right to ask, why she was thrown into the river,—whichever of the two it might be,—and not into the Alban lake?

[14] It is remarkable how even those who did not altogether reject the poetry of the story, yet tried to reduce it to a minimum; to the wolf's suckling the little orphans at the first moment when she found them by the Ficus Ruminalis: as if in this case, as in that of St Denis, everything did not turn on the first step. The Lupercal itself bears witness to the genuine form of the fiction; and the conceptions of the two Roman poets accorded with it. Virgil gives a description of the cave of Mavors: Ovid sings (Fast. III. 53), Lacte quis infantes nescit *crevisse* ferino, Et picum expositis *saepe* tulisse cibos. Nor did this poetical feature escape Trogus: cum *saepius* ad parvulos reverteretur. The story of the woodpecker and its ψωμίσματα could not have been invented of newborn infants. See also Plutarch, Quaest. Rom. c. XXI.

twelve sons[615], on the Palatine hill, in straw huts which they built for themselves: that of Romulus was preserved by continual repairs, as a sacred relic, down to the time of Nero. They were the stoutest of the shepherd lads, fought bravely against wild beasts and robbers, maintaining their right against every one by their might, and turning might into right. Their booty they shared with their comrades. The followers of Romulus were called Quinctilii, those of Remus Fabii: the seeds of discord were soon sown amongst them. Their wantonness engaged them in disputes with the shepherds of the wealthy Numitor, who fed their flocks on mount Aventine: so that here, as in the story of Evander and Cacus, we find the quarrel between the Palatine and the Aventine in the tales of the remotest times. Remus was taken by a stratagem of these shepherds, and dragged to Alba as a robber. A secret foreboding, the remembrance of his grandsons, awakened by the story of the two brothers, kept Numitor from pronouncing a hasty sentence. The culprit's fosterfather hurried with Romulus to the city, and told the old man and the youths of their kindred. They resolved to avenge their own wrong and that of their house. With their faithful comrades, whom the danger of Remus had brought to the city, they slew the king; and the people of Alba again became subject to Numitor.

This is the old tale, as it was written by Fabius, and sung in ancient sacred lays down to the time of Dionysius[16]. It certainly belongs to anything but history. Its essence is the marvellous. We may strip this of its peculiarities, and pare away and alter, until it is reduced to a possible everyday occurrence: but we ought to be fully convinced, that the caput mortuum which

[615] Masurius Sabinus, quoted by Gellius, N. A. VI 7.

[16] I. 79. ὡς ἐν τοῖς πατρίοις ὕμνοις ὑπὸ Ῥωμαίων ἔτι καὶ νῦν ᾄδεται.

will remain, will be anything but a historical fact. Mythological tales of this sort are misty shapes, often no more than a Fata Morgana, the prototype of which is invisible, the law of its refraction unknown: and even were it not so, it would still surpass the power of reflexion, to proceed so subtly and skilfully, as to divine the unknown original from these strangely blended forms. But such magical shapes are different from mere dreams, and are not without a hidden ground of real truth. The name of dreams belongs to the fictions invented by the later Greeks, when the tradition had become extinct, and when individuals indulged a wanton licence in altering the old legends; not considering that their diversity and multiplicity had been the work of the whole people, and was not a matter for individual caprice to meddle with.

Love for the home which fate had assigned them, drew the youths back to the banks of the Tiber, to found a city there. The territories of the more ancient towns in the neighbourhood, Antemnæ, Ficulea, Tellena, confined them to a narrow district. That of Rome cannot have extended at first in the direction of Alba so far as Festi, a place between the fifth and sixth milestones; where, as at the border of the original *ager Romanus*, the Ambarvalia were solemnized yearly in the reign of Tiberius[617]. The shepherds, their old comrades, were their first citizens. The story which makes them joined by Albans, nay even by Trojan nobles, is certainly no part of the ancient tradition: the Julii and other similar houses do not appear till after the destruction of Alba. Being left to themselves, with equal authority and power, the brothers disputed which should have the honour of being the founder of the city, and of calling it after his name Roma or Remoria; and whether it was to be built on the Palatine or the Aventine; or, according to another tradition, whether on the Palatine, or four miles further

[617] Strabo, v. p. 230. a.

down the river[618]. Each observed the heavens from the top of his chosen hill: he whom the augury favoured, was to decide as king. A person who sought for auspices had to rise in the stilness of midnight, to mark out the limits of the celestial temple in his mind, and then to wait for presaging appearances. The whole day past, and the following night. At length Remus had the first augury, and saw six vultures flying from north to south. But at sunrise, when these tidings were brought to Romulus, a flock of twelve vultures flew by him. Right was on the side of his brother: but Romulus boasted of the double number of his birds as a plain proof of divine favour; and his party, being the stronger, confirmed his usurpation[19].

It seems as if this augury of the twelve fated birds had originally been a poetical mode of expressing an Etruscan prophecy, that twelve secles were the period allotted to Rome; and as if the allegory had afterward assumed the shape of a legend, and then been expounded back again into its first meaning. This was done even in Varro's time by a celebrated augur named Vettius[20]. The prophecy was never forgotten, and in the twelfth century of the city, which is divided between the fourth and fifth of our era, filled all the adherents of the old

[618] This would probably be the hill beyond S. Paolo. I have no doubt that there was a place called Remoria; and this eminence is well adapted for a town, the air being healthy. Ennius too must have had a more distant spot in his mind; for with him Romulus makes his observations on the Aventine, p. 19. This accords with the legend of the javelin, which Romulus, after taking the auguries, hurled to the Palatine, where it caught root, and where the cornel-tree which sprang from it was shewn down to the time of Caligula. Servius, on Æn. III. 46. Plutarch, Romul. c. 20. Argum. Metam. XV. fab. 48.

[19] Ennius says nothing of the birds seen by Remus: much less does his account admit fraud on the part of Romulus.

[20] Varro, l. 18. Antiquitatum, quoted by Censorinus, 17. From his name he should be a Marsian. See Vossius on Velleius, II. 16.

religion with alarm; as everything was manifestly verging toward ruin, and their faith was opprest. According to Varro's Fasti, the twelfth secle, if, like the later Romans, we take each equal to a century, would end with the year 446. But though the train of calamities which broke in with the fifth century of our era, gave an air of probability to this interpretation in the minds of persons then living, a Tuscan aruspex would have rejected it. As an average for secles of an indefinite length, determined by the longest term of human life, and as an astronomical cyclical period, 110 was the proper number of years in a secle[621]. This raises the sum of those contained in the twelve secles to 1320, and brings down the end of the term assigned for Rome to an epoch when it may be said with strict truth that the city of Romulus ceast to exist. According to Varro's chronology, the twelfth secle would have ended with A. D. 566: according to Cincius, to whom the Etruscan, on grounds which will appear further on, would probably have given the preference, with A. D. 591, the first year of the pontificate of Gregory the Great. In either case the period expires in the latter half of the sixth century of our era; when the city, after having been more than once taken by storm, saw the remnant whom the sword had spared, wasting away by hunger and pestilence; when the senate and the remaining old families had been exterminated by Totila, so that even the name of senator, and the shadow of a municipal constitution, was scarcely preserved; when Rome was subjected to the degrading rule of an Eastern exarch residing at a distance from her; when the old religion, and all hereditary usages, were abolisht, and a new religion was preaching other virtues and another kind of happiness exclusively, and was condemning sins unreproved by the morality of earlier times; when the ancient sciences and arts, all old memorials and monuments,

[621] Censorinus, 17. See above, p. 138.

were lookt upon as abominations, the great men of former ages as hopelessly doomed to perdition; and Rome, having been deprived for ever of arms, was become the capital of a spiritual empire, which, after the lapse of twelve more centuries, we have seen interrupted in our days. Perhaps the Tuscan would also have interpreted the six secles corresponding to the legitimate augury of Remus, as foreshewing the duration of the legal and free constitution, and have reckoned that they extended down to the times of Sylla, or of Cæsar. For every interpretation of a prophecy requires free room; and this might have been justified in either way.

The foundation-day of Rome was celebrated on the festival of Pales, the 21st of April; when the country people, the earliest inhabitants of Rome, besought the goddess of shepherds to protect and increase their flocks, and to pardon their involuntary violation of consecrated spots, purifying themselves by passing through a straw-fire; like those which were kindled in the middle ages on Mayday.

Romulus now set about determining the pomœrium[622]. He fixt a copper share on a plough, yoked a bullock and a heifer to it, and drew a furrow round the foot of the Palatine, so as to include a considerable compass below the hill. He who markt out a pomœrium, had to guide his plough so that all the clods should fall inward: he was followed by others who took care that none was left turned the other way. In the Comitium[23] a vault was built under ground, and filled with firstlings of all the natural productions that support human life,

[622] I will defer what I have to say on the meaning of the pomœrium, and on the course of the one attributed to Romulus, that I may not interrupt the account of the legend. See the text to note 734.

[23] A line drawn between 100 and 200 paces further south, and parallel to one running from S. Maria Liberatrice to what used to be called the temple of Concord (the Basilica of the Cæsars), would pass through the Comitium.

and with earth which each of the forein setlers had brought with him from his home. This place was called *Mundus*, and was the door of the nether world, which was opened on three several days in the year for the spirits of the dead[624].

On the line of the pomœrium the city was inclosed with a wall and ditch. Remus, still resenting the wrong he had suffered, leapt in scorn over the puny rampart. For so doing he was slain by Celer, or by Romulus himself; and his death was an omen that none should cross the walls but to his own destruction. Romulus however abandoned himself to grief, rejecting comfort and food; until the shade of Remus appeared to their foster-parents, and promist to be reconciled to him on condition of his instituting a festival for the souls of the departed[25]. As a permanent mark of honour, a second throne was set up for him by the side of the king's, with the sceptre, crown, and other badges of royalty[26].

The new city was thrown open to every stranger. Exiles, and fugitive homicides, who commonly could only obtain leave to dwell as sojourners in a forein land, even runaway slaves and criminals, found a welcome[27]. These fellows however wanted wives. Romulus tried to form treaties with the neighbouring tribes, a measure necessary in Italy as well as in Greece, to render marriages with foreiners legitimate[28]: but the wild suitors were regarded with dislike, and the dangerous horde they

[624] Plutarch, Romul. c. 11. Festus, v. Mundus.

[25] The Lemuria: Ovid, Fast. vv. 461-480.

[26] Servius, on Æn. 1. 276.

[27] Still in ancient times this rabble cannot have been conceived to have formed any considerable part of the population: for the asylum was a small inclosure on the Capitoline hill, and could only afford protection within its precincts.

[28] From this it is clear that, in this earliest legend, Rome was not considered as an Alban colony, or as a Latin city: much less was anything said about an emigration of noble houses. Had Rome been

belonged to with distrust. The refusal was exprest insultingly. They who gave it fancied, as the haughty are wont to do, that the humbled party would feel conscious of deserving the rebuke for their presumption. Hence they did not entertain any suspicion, when Romulus proclaimed that festive processions and games were to be held in celebration of the Consualia[629], and invited his neighbours, the Latins and Sabines, to attend them: for Rome stood where the territories of those two nations ran one into the other. A number of people came as to a fair: indeed festivals of this kind were always fairs, and in Italy, as in Greece and in the East, were under the safeguard of religion. But neither religion nor the laws of hospitality protected the deceived strangers: their maidens were carried off[30]. The old legend spoke only of thirty captives: this cannot be denied; but it has been admitted with reluctance[31], even by Livy; though

a colony, it would have had the right of intermarriage with all the Latin cities from the first. I am still speaking here only of that consistency, in which old national poetry is by no means deficient, and not as ofhistorical events.

[629] This festival, in honour of the god of secret deliberations, was solemnized symbolically by the ceremony of uncovering an altar buried in the earth. Hence the history of Romulus has been enricht with the tale, that his finding this altar was the occasion or pretext for the festival.

[30] The rape was placed almost universally in the fourth month of the first year of the city. This must not be considered however as resting on any tradition: the Consualia were celebrated in Sextilis; and so there were four months between that festival and the Palilia. Cn. Gellius alone put the rape in the fourth year, not without the approbation of Dionysius (II. 31). Now here we have an evident falsification: his good sense told him that a stroke of this sort would never have been hazarded before the city was fortified; and so he took the number assigned to the month, concluding that the old legend had confounded the month and the year.

[31] Plutarch, Romul. c. 14: and Livy, I. 13. Id non traditur, cum haud dubie aliquanto numerus major hoc mulierum fuerit, aetate

he tells the tale of these times like a history, without meaning it to be one; his poetical feeling enabling him to comprehend these ages better than those in which historical light was beginning to dawn.

The three nearest of the cities against which this outrage had been committed, Antemnæ, Cænina, and Crustumerium, belonging to the Latins or Siculians, took up arms without concert; while the Sabines lingered, until they had all three fallen successively, and Romulus had won the royal spoils from Acron of Cænina; whose Greek name is a proof how late Pelasgian recollections were retained in the legends At last the Sabine king, Titus Tatius, brought a powerful army against Rome. Unable to resist him in the field, Romulus retreated into the city, over against which the Saturnian hill, afterward called the Capitoline, was fortified and garrisoned: a swampy valley, the site of the Forum, lay between the two hills. The gold on the Sabine bracelets and collars[632] dazzled Tarpeia. Seduced by this bribe, she opened a gate of the fortress, which had been entrusted to the command of her father: crusht by the load of the ornaments hurled upon her, she expiated her crime by her death. Yet her grave was shewn on the hill: and it was askt by wrongheaded sceptics, whether it was conceivable that such an honour would have been paid to a traitress? They forgot that the hill continued in the hands of the Sabines.

an dignitatibus an sorte lectae sint, quae nomina curiis darent. He did not observe how uniformly the number thirty runs through the legends as well as the institutions of ancient Rome.

[632] The Roman poet conceived that the poor Sabines were covered with gold, as Fauriel observes that the bards of modern Greece conceive of their Clepts. Here the marks of popular poetry are so clear that none who have eyes can mistake them. It is in the very spirit that created all the splendour and the treasures in the house of Menelaus. The fiction in Propertius (IV. 4) seems to be a transfer, unwarranted by any tradition, from the story of Scylla of Megara.

The remembrance of her guilt is still living in a popular legend. The whole Capitoline hill is pierced with quarries or passages cut in very remote times through the loose tufo. Many of these have been blockt up: but near the houses erected upon the rubbish which covers the hundred steps, on the side of the Tarpeian rock facing the Forum, beside some ruinous buildings known by the name of the Palazzaccio, several of them are still accessible. A report that there was a well here of extraordinary depth, which must have been older than the aqueducts, since no one would have been at the labour of digging it afterward, and which no doubt supplied the garrison with water during the siege by the Gauls, attracted me into this labyrinth. Some girls from the neighbouring houses were our guides, and told us as we went along, that in the heart of the hill the fair Tarpeia[633] is sitting, covered with gold and jewels, and bound by a spell; none who tried to go to her could ever find out the way; once only had she been seen, by the brother of one of the girls. The inhabitants of this quarter are smiths and common victuallers, without the slightest touch of that seemingly living knowledge of antiquity, which other classes of the Romans have drawn from the turbid sources afforded by popular books. So that genuine oral tradition has kept the story of Tarpeia for five and twenty hundred years in the mouth of the common people, who for many centuries have been total strangers to the names of Clœlia and Cornelia.

The Sabines next tried to storm the city. It was on the point of falling. The gods contended what should be its destiny and that of the world. Juno, who was adored with peculiar honours at Cures, favoured the Sabines, and was hostile to the race of Æneas. She opened a

[633] The expression, *la bella Turpeia*, like *la bella Cenci*, implies a feeling of tenderness for an acknowledged criminal.

gate, which no human force could shut: but at the command of Janus a boiling spring gusht forth, and repelled the assailants *.

The next morning Romulus made an equally fruitless attack on the lost fortress. But it was not in vain that he vowed a temple to the flight-staying Jupiter, when his troops, having been repulst, fled to the gate at the bottom of the Palatium. Victory shifted all day from one army to the other; and neither despaired of gaining it: when the Sabine women, no longer wishing for revenge, the time for which was gone by, but for a reconciliation between the fathers of their children and their own, rusht in betwixt the combatants, and brought about a peace. The two nations were to be inseparably united into the one state of the Romans and the Quirites, each however continuing distinct, and under its own king. Their temples and religious ceremonies were to be in common.

The women had saved Rome. Romulus rewarded them with honours for themselves and the whole class of matrons. The curies were called by the names of the Sabine wives. All married women were exempted for ever from every kind of household service, except spinning and weaving. Whoever met a matron was to make way for her. Whoever hurt her modesty by a wanton word or look, was guilty of a capital offense. The right of inheriting on the same footing with a child[634] was conferred on wives if they wisht it: but if any husband should abuse his parental power, and sell his wife, as he might sell his child, he was devoted to the infernal gods. A man might divorce his wedded wife for adultery, for poisoning his children, or for counterfeiting the keys entrusted to her. If he put her away without any of these grounds, half his property was

* Macrobius, Saturnal. I. 9.

[634] By the conventio in manum. See Dionysius, II. 25.

forfeit to the injured woman, the other half to the temple of Ceres [635].

The Sabines built a new city on the captured Capitoline hill, and on the Quirinal. Tatius resided on the former, and dedicated temples there to his native gods. The two kings and their senates met for important deliberations between the Capitol and the Palatium; and the ruling houses in their combined assemblies must have done the same: hence the name of the Comitium. Even in the old traditions there seems to have been some inconsistency, as to whether Tatius continued to be king of the whole Sabine nation, or whether the joint soverainty was confined to the citizens of the double city. That junction did not last long. Tatius was killed, during a national sacrifice at Lavinium, by some Laurentines, to whom he had refused satisfaction for certain acts of violence committed by some of his kinsmen: his grave was on the Aventine [36]. Henceforward Romulus ruled over both nations. His dilatoriness in accepting the atonement offered for the murder of his collegue brought a pestilence upon the Romans and the Laurentines, which did not cease until the guilty parties on both sides were delivered up.

This is the end of the heroic lay, which, beginning

[635] Plutarch, Romul. c. 22. This head of law seems from all analogy to be of plebeian origin: see the text to note 1373. But the tradition connecting it with the poetical tale of the Sabine women is unquestionably ancient, and very pleasing. When a marriage had been solemnized with the religious sanction of the *confarreatio*, a divorce was so difficult as scarcely to be possible: but a husband might put his guilty wife to death. When the marriage had not been solemnly contracted, so as to produce a *conventio in manum*, the parties were always allowed to separate at discretion.

[36] Plutarch, Romul. c. 23. There is an evident connexion between this legend and the statement that the Sabines received settlements on the Aventine from Romulus (Varro, quoted by Servius, on Æn. VII. 657). It is no less obvious that the latter arose from the confounding the Quirites with the plebeians.

with the establishment of the asylum, forms a poetical whole. All the incidents are related, either with determinate and nearly consecutive dates, or without mention of the interval between them, but in such a way, that in the old tradition they must have been meant to follow closely one on another, and to have been accomplisht with great rapidity[637]. Altogether apart from these events stands the account of the Etruscan wars, in the long period which intervened before the death of Romulus; an account unhistorical, clumsy, fabulous as the romances of chivalry, without the spirit or features of poetry. One of the campaigns, in which Fidenæ is taken, is related almost precisely in the same way as the capture of the same city in the year 328. Such transfers from a historical to the mythical age were frequently resorted to by the barren invention of the annalists. Another campaign against Veii, after a number of battles, in one of which more than half the fifteen thousand Etruscans left on the field fall by the hand of Romulus, is ended by a truce for a hundred years, purchast by the cession of a large territory, and of the saltmarshes near the coast. From these wars, spread through a reign of thirty-seven years, no one, who looks upon these accounts as historical, will recognize Romulus as the restless warlike prince, that fame has always described him. For poetry they are enough. Thus in the national epic poem of Germany, the lay of the Niebelungen, several years elapse without any exploits, after the hero's fame has once been establisht.

The poem appears again in its full splendour when

[637] In the Trojan war the events anterior to the anger of Achilles, are very far from filling up the preceding nine years. The reader may see in Dictys (whom by the way I will recommend to his attention, among other reasons, as an imitator of Sallust's style,—*optimorum aemulus* he is called by the great Gronovius,—) in what manner it was attempted to do this; and he may there learn how epic poetry is often transformed into every-day history.

Romulus is removed from the earth. All between is a sorry addition.

In the old legend, which Cicero and Livy have preserved in the greatest purity out of Ennius, there is nothing indicating that the government of Romulus, which, if not unblemisht, was glorious, degenerated into violence and tyranny. Tatius it branded as a tyrant. After his death it makes the rule of Romulus become more legal and milder. He consulted the senate on all matters, and chastised the refractory, not with corporal punishments, but with fines of cattle[638]. The Celeres, whom later writers converted into his body-guard, were no other than the knights. Nor was anything ever told in early times of his having been an object of hatred to the senate. Ennius seems to have represented Mars as imploring the father of gods and men to save Ilia and his children; when Jove, to console him for their irremediable fate, promist to take up Romulus to heaven[39]. The time was now accomplisht. Juno was reconciled to the Trojan race, as she had been to Hercules. On the nones of Quinctilis, or on the Quirinalia[40], as the king was reviewing his people, the sun withdrew his light[41]; and while the earth was lying in darkness, Mars descended in a whirlwind and tempest, and bore away his perfected son in a firy chariot[42] to heaven. The people fled in dismay. When daylight returned, they sought

[638] For the former point see Ennius, p. 139; for the latter Cicero, de Re p. II. 8, 9.

[39] This explains the verse, Unus erit quem tu tolles ad caerula coeli, p. 34. Compare Ovid, Fast. II. 487.

[40] The Quirinalia, according to Ovid, Fast. II. 475.

[41] Cicero, de Re p. I. 16. Solis defectio quae nonis Quinctilibus fuit, regnante Romulo; quibus—Romulum—tenebris—natura abripuit. Most of the passages before known on this point are collected by Scaliger, Emend. Temp. p. 395.

[42] Quirinus Martis equis Acheronta fugit: Horace. Rex patriis astra petebat equis: Ovid. Fast. II. 496.

anxiously for their father, the child of the gods, who had brought them forth into the realms of light[643]. But their lamentation gave way to religious reverence, when the glorified hero appeared to Proculus Julius[44], and bad him announce that he would watch over his people as the god Quirinus.

These are the main features of the traditional tale, as it was held sacred for centuries by the Romans, and commemorated in sacred songs. But there came a time when simple faith lost its power, and when the esteem for real history rose, in proportion as it embraced a longer period, and as the nation's political character had grown in greatness and importance: and then appeared writers by whom the whole body of the old traditions was perverted, and this one more especially in the grossest manner. These were the writers of whom Dionysius and Plutarch speak with approbation, calling them rational men, who related what was probable, and held to what was natural[45]: and among their number, the person whom I believe to have introduced this practice, although it had earlier models among the Greeks, or who at least adopted it more uniformly than any other annalist, was L. Piso the censor, a contemporary of the Gracchi; in other respects a worthy and honorable man, but who in what we know of his Annals betrayed great narrowness of mind and perversity of judgement. The wish of these historians was to bring the whole mythical age within the sphere of history; their assumption, that the poetical stories always contained a core of dry historical truth; and their system, to bring this core to light, by stripping off everything marvellous[46].

[643] Ennius, quoted by Cicero, de Re p. 1. 41. If we had the first three books of Ennius, we should know what sort of poet he was.

[44] Between the palace of monte Cavallo and the Porta Pia.

[45] οἱ τὰ πιθανώτατα γράφοντες — οἱ τὰ μυθώδη πάντα περιαιροῦντες: Dionysius. τῶν εἰκότων ἐχόμενοι: Plutarch.

[46] Happy they who in the sultry days of Augustus could refresh

The results of this attempt were very various. In the legend of Romulus the turn was given mainly by Livy. The way in which the poetical tale of Silvia and her children, down to the vengeance inflicted on Amulius, was metamorphosed, may be seen in Dionysius and Plutarch, by any who can overcome the disgust inspired by vulgar dulness priding itself on its superior wisdom. Livy has not condescended to mention it, and thereby has condemned it to obscurity. Unfortunately he has not treated the explanation of the disappearance of Romulus with the same contempt; and hence it has taken deep root. That a mortal man should be clothed with a radiant body, and carried up to heaven, was of course impossible. But as to the secret anecdote, that the senators murdered the king during the gloom of a tempest,—it was not even an eclipse,—that they tore him piecemeal, as Pentheus was torn by the Bacchanalians, and that they carried away his bloody limbs hidden under their gowns,—neither was the deed deemed physically impossible, nor the loathsome piece of mangling butchery morally so. In the later writers we cannot help being surprised at this. That a story so atrocious should have been fabricated in ancient Rome, is an instance how feelings are poisoned by party animosity: the patricians were held capable of the worst enormities. The death of Remus was made out to have been a mischance during a civil feud. The Sabine war grew, out of the contests of a few days, into a tedious hardfought

themselves with the simplicity of their ancestors! Among those who were incapable of doing so, the dull falsifiers of history are not more offensive, than the men who helpt themselves out with a pneumatology, such as we find traces of in Dionysius: where, instead of Mars Gradivus, whose personality they were ashamed to admit, some demon, "whose existence was generally believed," is said to have been the father of Ilia's children. Men could reconcile themselves to this belief in goblins, or at least to professing it; and thus effected a compromise, and even an alliance with bigotry.

campaign, with pitcht battles between great armies. To this war Piso[647] referred the origin of the Curtian lake, that he might rid Roman history of another heroic legend: according to him Mettus Curtius, a Sabine, almost sank with his horse into the swamp. The same Piso exalted Tarpeia from a venal traitress into a heroine, though an utterly senseless and mad one, whose purpose was to sacrifice herself for her country[48].

To such lengths could even honest men go, when devoid of understanding, of feeling, and of judgement. But after these had paved the way, came the audacious forgers, whose traces are especially visible in the numbers. Livy himself, when speaking generally, treats the enormous numbers fabricated by Valerius Antias with contempt; though he is not on his guard against them in particular cases. As worthless as any is his statement, and Juba's, about the number of the ravisht virgins[49]: and his silly exaggerations are equally manifest in the numbers of the armies during the Sabine war, and of the forces which Romulus had at his command before his death[50].

I am sorry to have been obliged to say so much on such wretched subjects: but it is important to shew the nature of that idol, before which, among the changes of fashion, our posterity may perhaps be required again to bend the knee.

I return to the old legend. The senate at first would not allow the election of a new king: every senator was

[647] Varro, de l. l. IV. 32.

[48] Her plan is to make the Sabines give up their arms and armour to her by virtue of their oath, and to deliver them up thus disarmed to the Romans: the arms are to be laid down on the Capitol, where however not a Roman, except some prisoners perhaps, was to be found. Dionysius, II. 36. It is not superfluous to shew the extreme stupidity of much that is past off for history.

[49] Plutarch, Romul. c. 14. Dionysius, II. 30. 47.

[50] 46,000 foot, and about 1000 horse: Dionysius, II. 16.

to enjoy the royal power in rotation, as interrex. In this way a year past. The people, being treated more oppressively than before, were vehement in demanding the election of a soverain to protect them. When the senate permitted it to be held, the Romans and Sabines disputed out of which nation the king should be taken. It was agreed that the former should choose him out of the latter; and all voices concurred in naming the wise and pious Numa Pompilius of Cures; who had married the daughter of Tatius.

The discourse on the early history of Rome, which Cicero puts into the mouth of Scipio, is entirely taken from Polybius. Consequently Polybius found the persuasion, that Numa had been the disciple of Pythagoras, very generally diffused in his time; so much so indeed at Rome, that he tried to prove the impossibility of the fact by a chronological deduction, which was borrowed from him by Dionysius. The same persuasion therefore must probably have been shared by Cato, who, even though acquainted with the chronological tables of Eratosthenes, might very possibly be ignorant of the age of the Samian Pythagoras. Unfortunately Polybius can hardly have learnt, that by oriental writers Pythagoras was referred to the reign of Assarhaddon [651], who was contemporary with Numa. An impartial critic, who does not believe that the son of Mnesarchus was the only Pythagoras, — or that what Aristoxenus and the older writers left undecided, has been settled, because chronologers have made up their minds on the question, — or that there is any kind of necessity for placing Numa in the twentieth Olympiad, — or in fine that the historical personality of Pythagoras is more certain than that of Numa, — will be pleased with the old popular opinion, and will not sacrifice it to chronology. The senate, when in the Samnite war it erected a statue to Pythagoras, as

[51] Abydenus, in the chronicle of Eusebius, Venet. ed. 1. p. 53.

the wisest of the Greeks *, must probably have lookt upon him as the teacher of Numa. The Greek books found in Numa's grave are said to have contained Pythagorean doctrines †. The Æmilii traced their origin to a son of the Greek sage. On the Greek side the account quoted from Epicharmus [652], that the Romans conferred their franchise on Pythagoras, would be extremely important, if we were sure that the work containing it was genuine. Even if spurious, it is evidence of a current opinion, that the influence of the Pythagoreans had penetrated to Rome.

When Numa was assured by the auguries that the gods approved of his election, the first care of the pious king was turned, not to the rites of the temples, but to human institutions. He divided the lands which Romulus had conquered, and had left open to occupancy. He founded the worship of Terminus. All ancient legislators, and above all Moses, rested the result of their ordinances for virtue, civil order, and good manners, on securing landed property, or at least the hereditary possession of land, to the greatest possible number of citizens. It was not till after he had done this that Numa set himself to legislate for religion. He was revered as the author of the Roman ceremonial law. Instructed by the Camena Egeria, who was espoused to him in a visible form, and who led him into the assemblies of her sisters in the sacred grove [53], he regulated the whole hierarchy; the pontiffs, who took care, by precept and by chastisement, that the laws relating to religion should be observed both by individuals and by the state; the augurs, whose calling it was to afford security for the counsels of men by piercing into those of the gods; the flamens, who ministered in the temples of the supreme

* Plutarch, Numa, c. 8. † Livy, XL. 29. Pliny, XIII. 27.

[652] From a prose work: Plutarch, Numa, c. 8.

[53] Below S. Balbina, near the baths of Caracalla.

deities; the chaste virgins of Vesta; the Salii, who solemnized the worship of the gods with armed dances and songs. He prescribed the rites according to which the people might offer worship and prayer acceptable to the gods. To him were revealed the conjurations for compelling Jupiter himself to make known his will by lightnings and the flight of birds: whereas others were forced to wait for these prodigies from the favour of the god, who was often silent to such as were doomed to destruction. This charm he learnt from Faunus and Picus, whom by the advice of Egeria he enticed and bound in chains, as Midas bound Silenus in the rosegarden. From this pious prince the god brookt such boldness. At Numa's entreaty he exempted the people from the terrible duty of offering up human sacrifices. But when the audacious Tullus presumed to imitate his predecessor, he was killed by a flash of lightning during his conjurations in the temple of Jupiter Elicius. The thirty-nine years of Numa's reign, which glided away in quiet happiness, without any war or any calamity, afforded no legends but of such marvels. That nothing might break the peace of his days, the ancile fell from heaven, when the land was threatened with a pestilence, which disappeared as soon as Numa ordained the ceremonies of the Salii. Numa was not a theme of song, like Romulus: indeed he enjoined, that, among all the Camenæ, the highest honours should be paid to Tacita. Yet a story was handed down, that, when he was entertaining his guests, the plain food in the earthenware dishes was turned on the appearance of Egeria into a banquet fit for gods in vessels of gold; in order that her divinity might be made manifest to the incredulous. The temple of Janus, his work, continued always shut: peace was spread over Italy; until Numa, like the darlings of the gods in the golden age, fell asleep, full of days. Egeria melted away in tears into a fountain.

BEGINNING AND NATURE OF THE EARLIEST HISTORY.

It was recorded by the keepers of the Sibylline books, that the first secular festival after the expulsion of the kings was celebrated in the year 298; and that from that time forth it always recurred after an interval of 110 years, such being the length of a secle[654]. This statement is at variance with the accounts in the annals, which placed the celebration of the secular festivals in very different years. But though the annalists would have no weight, if they really stood in contradiction to the authentic books, we need not suppose that the books noted anything more than the close of a secle, and the epoch when, by the ordinances of the ceremonial law, the beginning of a new one should have been solemnized by the people, in gratitude for the prolongation of its existence into a new period: and they probably did this without regarding whether the celebration was deferred from particular circumstances, as was so often the case with festivals vowed to the gods.

If we go back, following the same principle, from the abovementioned first secular epoch of which a historical register was preserved, the end of the first, or rather the beginning of the second secle, falls in the year of the city 78. The beginning of the second, I say: for it is evidently far more probable, that the beginning of a new period should have been celebrated with a joyful solemnity,

[654] Censorinus, c. 17.

— as it was by the Aztecans[655], by whom the renewal of their secle was lookt forward to with anxious doubt, — than the end of an expiring one, which, like all decease and termination, must rather have excited melancholy feelings. Now, according to the chronology of the pontiffs, this year was the first of the reign of Tullus Hostilius: according to the pontiffs, I say; for their table was adopted by Polybius for his Roman chronology[56]; and he is the authority followed by Cicero in fixing the years of the Roman kings[57]. It was the pontiffs therefore, who assigned seven and thirty years to Romulus, as Scipio does in Cicero, and nine and thirty to Numa[58], between whom falls the year of the interreign; whereas Livy and Dionysius reckon forty-three years for Numa.

This is now fully ascertained by the positive testimony of Cicero. When I first undertook these inquiries, it was to be divined, with the help of a little boldness, from a trace, though not a very distinct one, in Saint Jerom's translation of the chronicle of Eusebius; where 240 years are assigned to the reigns of the seven Roman kings, forty to Numa, and thirty-eight to Romulus[59]. It is true, the number of years did not come out precisely right; and this might appear to the overcautious a sufficient ground for shrinking from the application and inference as rash. The certainty we have now accidentally

[655] See the text to note 726.

[56] In Dionysius, I. 74, the text runs: ἐπὶ τοῦ παρὰ τοῖς Ἀγχισεῦσι κειμένου πίνακος—τὴν πίστιν ἀπολαβεῖν. But no such town as Anchise probably ever existed save in Cephalon's brain; assuredly it did not in the age of Polybius. The inhabitants of Anxur he calls Tarracinites. Three Vatican manuscripts give ἀγχιστεῦσι: I read ἀρχιερεῦσι, which word Polybius uses for the pontiffs (XXIII. 1. 2. XXXII. 22. 5), though Dionysius calls them ἱερομνήμονες, and not for the supreme pontiff alone.

[57] This he says expressly, de Re p. II. 14.

[58] Cicero, de Re p. II. 10. 14.

[59] Chronicon, in Thes. Tempor. Scaligeri, n 1265, 1303, 1304.

obtained by the discovery of the books on the Republic, furnishes a proof that, with regard to those accounts which have been preserved from ancient times only by ill-informed and hasty compilers, the injury they have suffered in passing through such hands, ought not to be allowed to determine the only shape in which we are to make use of them. In numberless cases the original form is not too much disfigured to be guest at. There may frequently be hazard in doing so: but what will not admit of being abused, is good for nothing.

The light which in a fortunate hour I gained with regard to the seemingly inexplicable discrepancies in Roman chronology, arose from my perceiving that the ground on which Fabius differed from Cato, lay in his reckoning only 240 years for the time of the kings: and for this I was indebted to the second book of the chronicle of Eusebius. This taught me the importance of those tables, which in great part represent the views of Apollodorus: and it would border on ingratitude, were I to suppress the opinion I once exprest of them, in consequence of the chronicle's having been superseded as to this point by the unhoped-for discovery of a purer source. A similar discovery, which has almost entirely restored the part of the chronicle then wanting, is a call upon our age to recognize its value, and to resume researches too much neglected since the time of that great man, who laboured at restoring the work of Eusebius with the confident strength of genius and with boundless learning [660], cheered and rewarded by the communications

[660] Scaliger stood at the summit of universal solid philological learning, in a degree that no one has reacht since; and so high in every branch of science, that from the resources of his own mind he could comprehend, apply, and decide on whatever came in his way. What, when compared with him, is the book-learned Salmasius? And why does not France set up the name of Scaliger to match that of Leibnitz?

Out of Italy and Greece there is no ground more sacred in the

of Casaubon. If in the instance before us he overlookt what lay concealed in a tradition which had been misunderstood, it was because the abundance of his materials was inexhaustible even for him, so that a gleaning has been left for our inferior generation.

Now however that we find the year of Numa's death considered as the last in the first secle of the city, another tradition, which otherwise sounds strange and unmeaning, acquires a definite import; the tradition that he was born on the day of the founding of Rome[661]. It was grounded on the Etruscan notion of the first physical secle's terminating with the death of the person who lived the longest among all such as were born on the day when a city was founded[62]. The very clearness with which this is apparent, makes it the more necessary for me to meet an objection which an attentive reader might raise. He might remark, that, if 240 years were reckoned for the time of the kings, and 120 from the beginning of the consulate down to the taking by the Gauls, the year this would give for the founding of the city, would be the one adopted by Fabius, Ol. 8. 1; yet that between the year 78 according to Fabius and 298 according to Varro there intervened not 220 years, but only 214: so that we should be deluded here by a merely accidental appearance.

eyes of a philologer, than the hall of the university at Leyden; where the portraits of the professors, from Scaliger in his princely purple, down to Ruhnkenius, are ranged around that of the great William of Orange, the father of the university; the erection of which was granted to the request of Leyden, as the noblest reward for her more than human endurance and perseverance. The general of the republican city, Baron Nordwyk, was also a great philologer.

[661] Plutarch, Numa, c. 3. Dion Cassius, fr. 20. p. 8. Dionysius would have been ashamed of seeming to believe the marvellous coincidence: but he takes advantage of the belief of others to slip Numa's age, not far from forty, into his history. II. 58.

[62] See above, p. 138.

Nevertheless it is no deception. But the Fasti for the first fifty years of the republic are in complete disorder: and this may partly have been a consequence of their being adapted to the scheme which estimated the period under the consuls at a third of the whole time computed to have elapst between the building and the taking of the city: though it may also have been in some measure unavoidable from the nature of the Fasti themselves. A given number of official years by no means answered to the same number of astronomical ones, on account of the interreigns, so frequent in the earlier ages, by which the beginning of the year was carried further forward every time. This led those into errour, who, like Fabius, made the two tables of years parallel to each other: but the secle supplied the correction. This was known to the pontiffs, and through them to Polybius and Cato. According to the former, who dates the Gallic invasion a year later than Dionysius[663], the secular year 298 was Ol. 8. 3: if from this point two secles, 55 Olympiads, are reckoned backward, the second secle begins in Ol. 26. 3: which according to Polybius was the seventy-eighth year of Rome, and the first of king Tullus. I again remind the reader that his statement was taken from the tables of the pontiffs.

Hence it seems quite evident, that the pontiffs themselves distinguisht the first two kings from the rest, as belonging to another order of things, and that they separated the accounts of them from those which were to pass for history; just as the Egyptians began the lists of their kings with gods and demigods. Romulus was a god, the son of a god; Numa a man, but connected with superior beings. If the tradition about them however is in all its parts a poetical fiction, the fixing the pretended term of their reigns can only be explained by ascribing it either to mere caprice or to numerical

[663] That is, in Ol. 98. 2.

speculations: and although to us the former might seem the more probable solution, the latter is far likelier to be the correct one with regard to the ancients in early times; above all where the annals were in the hands of a learned priesthood. Such speculations characterize the chronology of Asia. Much that I have said already, and other remarks which I shall make hereafter, render it almost certain that the chronology of the Etruscans, the sages of ancient Rome, was of a similar character. The cyclical year, which is assumed to have been instituted by Romulus, and to have prevailed till Numa, was divided into 38 nundines: it was an obvious thought to reckon the same number of years from the beginning of the city to Numa. One of these was taken for the interreign; and thus only 37 were left for Romulus. Then, if twice 38 were to be allotted to the first two kings, 39 fell to Numa's share; and this number had more than one attraction to recommend it. In its component parts, thrice ten and thrice three, the principal number is that which determines the proportions in all the earliest Roman institutions: and the nearest quotient obtained by dividing the number of days in the lunar year, 354, by 9, is 39. Such numerical combinations are mere childishness or juglery: in the present case however we have nothing to expect but priestly subtilty, which is apt to betray perverted ingenuity much oftener than depth of thought. The other statement, which assigns forty-three years to Numa, brings the length of his life to eighty-one; the biquadrate of three. When it was forgotten that this was the source of that latter number, even Cato might prefer it; because it enabled him to carry back four years, for which he could find no consuls, from the annual Fasti to the time of the kings. Others might be glad to take away the obvious appearance of a fabrication from the numbers 240 and 120.

With Tullus Hostilius we reach the beginning of a new secle, and of a narrative resting on historical ground,

of a kind totally different from the story of the preceding period. Between the purely poetical age, the relation of which to history is altogether irrational, and the thoroughly historical age, there intervenes in all nations a mixt age, which, if one wishes to designate it by a single word, may be called the mythico-historical. It has no precise limits, but comes down to the point where contemporary history begins: and its character is the more strongly markt, the richer the nation has been in heroic lays, and the fewer the writers who have attempted to fill up the void in its history by the help of monuments and authentic documents, without paying attention to those lays, or trying to call up in their minds any distinct image of the past. In the history of the middle ages we find such a character in Scandinavia and in Spain; whereas during the same period the history of countries, like Italy, which possess no historical lays, scarcely contains a trace of it. Among the Greeks, the Persian war still displays the character of a free epical narrative: and almost everything before that is stirring and attractive in their story, is poetry. In Roman history the range of pure fiction does not reach much lower; although it appears again from time to time even down to the fifth century. The disease which preys on this history until the war with Pyrrhus, when foreiners at least began to write it contemporaneously, is studied falsification. This is sheer corruption. The poetical story on the other hand is something different from, but better than pure history, on the field of which we only again meet with what wearies and worries us in life[664]. The relation which such poetical history bears to mythology, is, that the former always has and must have a historical foundation, and borrows its materials mainly from history, as transmitted

[664] It was still later, about the age of Alexander, that Lysistratus began to take portraits in sculpture. Till then statues had been ideal works, only preserving the main features of the face and figure.

in free oral narrative; whereas the latter takes hers from religion, and from poems on a large scale, and does not profess to be a possible history of the common order of things in the world; although, so long as it confines itself to the earth, it can have no other theatre. To the latter kind belong Hercules, Romulus, and Siegfried; to the former Aristomenes, Brutus, and the Cid.

On the borders of mythology the predominant character of such history is poetical, at the opposite end historical. Of the men spoken of during the period we are entering on, few are imaginary: many of the chronological statements from the yearly registers have all the definiteness conceivable in an age of such obscurity: but the historical part of our information is limited to this. For when historians arose, their attention was directed exclusively to what bore the name of annals: no use was made of monuments and original documents; partly through carelessness; partly because they could not be brought into harmony with the poetical legends: nor did anybody know yet how to appreciate the value of a fragmentary history drawn from authentic sources. Among the Greeks in later times Ephorus and the authors of the Atthids framed histories from materials of this kind; as did Timæus, who however is frequently dishonest, concerning Italy and Sicily; histories like many that have been written of the middle ages; not without value, but presenting no lively and distinct image of the period. At Rome this source was but sparingly employed; and perhaps by none but L. Cincius and C. Macer with judgement and any degree of industry. It is true, the Roman documents of the earliest period were scanty, in comparison with the historical treasures of Athens, and of almost all the Greek cities. For a long time the laws were only engraved on oaken tables[665], or, if they were plastered, painted on them.

[665] Dionysius, III. 36.

Thus they became a prey to the flames the more easily at the taking by the Gauls, when none had time or presence of mind to save even the fundamental laws. The only original documents mentioned of the whole period under the kings, are the treaty of Servius Tullius with the Latins[666], that of the last Tarquinius with the Gabines, and one with the Sabines[67]. That with the Gabines was painted on a wooden shield. Verrius Flaccus cited the commentaries of Servius Tullius, which appear to have contained the substance of the constitutional laws ascribed to him[68]: and the collection of the laws of the kings, compiled by one Papirius, seems unquestionably to have been of high antiquity.

From the period immediately following the expulsion of the kings, beside the twelve tables, some other laws, and the compacts between the patrician and plebeian orders, there were still extant in the seventh and eighth centuries, the treaties with Carthage[69], with the Latins[70], and with the Ardeates[71]. But the contents of these very documents are such as either can no way be reconciled with our historical accounts, or not without much difficulty.

I am now come to the question so often raised as to the genuineness and credibility of the original annals. The discussion of this question has lately been placed on a firm ground, of which our predecessors were destitute, by the fortunate discoveries which have enricht philology in our days.

It is well known to have been a custom, manifestly derived from very ancient times, for the chief pontiff to note down the events of the year on a whited table; such as, prodigies, eclipses, a pestilence, a scarcity, campaigns,

[666] Dionysius, IV. 26.

[67] The former by Dionysius, IV. 58; both by Horace, Ep. II. 1. 25.

[68] Festus, v procum, and pro censu [69] Polybius, III. 22.

[70] Dionysius, VI. 95. [71] Livy, IV 7; from Licinius Macer.

triumphs, the deaths of illustrious men; in a word, the matters which Livy enumerates at the end of the tenth book, and in such of the following ones as remain, mostly when closing the history of a year, in the plainest words and with the utmost brevity: nothing could be more jejune[672]. The table was then set up in the house of the pontiff[73]. The annals of several years were afterward collected in books. This custom prevailed until the pontificate of P. Mucius and the times of the Gracchi; when it ceast, because a literature had then been formed, and perhaps because the composing such chronicles was deemed below the dignity of the chief pontiff.

Now Cicero, I grant, makes Antonius say, that this custom had subsisted from the beginning of the Roman state. But it does not follow from this that Cicero meant to assert, the annals in the possession of the Roman historians, who did not begin to write till so late, reacht thus far back. Those of the earlier times may have perisht: and such Livy and other ancient writers, though without specific mention of the Annales Maximi, state to have been the case at the destruction of the city by the Gauls. Assuredly too this might easily be their fate at that time: for perhaps the tables had not yet been transferred into books; and it is very unlikely that there should have been any transcripts of such books. Besides possibly they may not have been deposited in the Capitol, where the chief pontiff did not reside, and where there was no occasion for him to keep his archives, like the duumvirs of the Sibylline books.

I think we may now consider it certain that those annals did really meet with such a fate at that time, and that they were replaced by new ones. Cicero says, the earliest eclipse of the sun, which the Annales Maximi recorded as having been observed, fell on the nones of June about the year 350: the earlier ones were computed

[672] Cicero, de Legib. i. 2. [73] Cicero, de Orat. ii. 12.

backward from this point, up to that during which Romulus was carried up to heaven[674]. From a fragment of Cato we learn that eclipses of the sun and moon were essential parts of the contents of the pontifical annals: and their having been computed backward agrees with this statement, and shews that an attempt was made to replace the loss of the actual observations. The same thing has been done in the Chinese chronicles, for the times the annals of which are said to have existed, but to have been destroyed. The eclipse spoken of by Cicero was not visible at Rome: but the Romans derived information from Gades of the day and hour when it occurred, as well as of the accidental circumstance that the sun was obscured when he set, which made it memorable. The list of the eclipses observed does not begin till after the restoration of the city[75].

[674] De Re p. i. 16. Hac in re tanta inest ratio atque sollertia, ut ex hoc die, quem apud Ennium et in maximis Annalibus consignatum videmus, *superiores solis defectiones reputatae sint usque ad illam quae nonis Quinctilibus fuit regnante Romulo.* Before this passage was brought to light, I proved by cogent arguments, that there were no contemporary pontifical annals, before the battle of Regillus at the earliest: those arguments are now superfluous. Whether according to the imperfect method then used, the computations came out right, is another question: who was to verify them? But it is very probable that an erroneous computation of this kind was the ground by which the date of the death of Romulus was determined.

[75] Cicero, de Re p. i. 16. Ut (Ennius) scribit anno CCCL fere post Romam conditam—nonis Junis soli luna obstetit et nox. The elaborate investigations carried on by Mr Heis of Cologne, under the guidance of my friend Mr Munchow, have set it beyond a doubt that the eclipse referred to can be no other than the one which occurred on the 21st of June in the astronomical year 399, B. C. which at Rome however did not fall till after sunset. At Gades, where more than eleven digits were obscured, the middle of it took place three minutes before sunset: this gives an unexpected accuracy to the words *soli luna obstetit et nox*, which now cease to be tautological. That the nones should fall on the 21st is no way surprising, considering the practice of intercalating: nor is it more so, that the

Now if the earlier annals were not genuine, but restorations, this accounts for the singular peculiarities in the numerical statements throughout the early part of Roman history, and for their reference to the epoch of the taking by the Gauls. Not that all the Fasti and Yearbooks were destroyed in that calamity: parts of them must have been preserved in the Capitol, and in the Latin towns; and such genuine documents were incorporated. But we must not look for great diligence of research from the pontiffs, nor even for any anxiety about historical accuracy, where they could answer their purpose by numerical combinations. The mischief was, that their work was deemed authentic, and soon exclusively so.

According to the chronology of Fabius, the history of Rome from the founding to the taking of the city splits into two portions, of 240 years under the kings, and 120 after them; or, to express the same thing differently, into three periods[676], each containing ten times twelve years; twelve being the number of the birds in the augury of Romulus. This outline was the bed of Procrustes, to which whatever was known or believed about the early ages was fitted. It was recorded that a secular festival had been celebrated some 70 years before: Romulus, Numa, and the five succeeding kings, were the subjects of manifold legends and traditions; but, except perhaps as to the last king, they were without any chronological precision.

Now the priests who arranged the annals, fixt the reigns of Romulus and Numa, according to the numerical calculations already explained, at 77 years: this formed the first secle, a heroic one.

observation taken at Gades should be known at Rome. A more than ordinary regard for astronomy is implied in the worship paid at Gades to the year and the month as divinities: see note 851.

[676] As the life of Moses is divided into three periods of forty years apiece; and the genealogy in St Matthew consists of three parts, each containing fourteen generations

Among the seven kings, whose statues stood in the Capitol, Ancus Marcius was the fourth: and so the middle of his reign was made to coincide with the middle of the period assigned to the kings, the end of the year 120. Now it is true, any number of years might have been allotted to him at discretion: what decided in favour of 23, was, that this number, together with that of the first secle, makes just 100, and that 132, the year in which his reign would thus close, was the number of years of ten months in a secle. In this way 32 years fell to the share of Tullus. Then, with a view of getting something that should look like historical numbers for the two reigns next to that of Ancus, half a century was counted from 120 to the end of the elder Tarquinius: and the reign of Servius was extended to the year 216, without the slightest attention to the impossibilities and contradictions occasioned by so doing. This left five and twenty years for the last king, a date which may perhaps have been historical[677].

It was only requisite that the computation adopted by Polybius for the years of the kings should be known, in order that this web of no very fine texture should come to light, and no longer be taken for anything but what it is. In other cases the chronological statements during a mythico-historical age may possibly deserve credit: but as to the period of the Roman kings, the chronology is a forgery and a fiction throughout. There is no rational ground for doubting the personal existence of Tullus Hostilius: but most assuredly the combat of the Horatii and the king's marvellous death are more likely to be historically true, than the dates assigned to his reign.

Moreover, while no national annals were left concerning the times of the kings, there were no family narratives that reacht so far back. The stories that the Valerii

[677] This number is given by Cicero, de Re p. II. 18.

spoke of a Volesus as their ancestor, that the Marcii traced the origin of their race to Ancus, and other families to Numa, are no proof to the contrary. The Sabine descent of the Valerii as a general fact I am ready to admit: but if any plebeian houses deduced their stock from the kings, nobody could seriously believe them. Except the Horatii, — and as to them it was disputed whether they belonged to Rome or Alba, — not a single Roman is mentioned by name in the legends of Tullus and the three following kings. Whereas from the very beginning of the Commonwealth the family histories related much of its great men; though what they related may not always be worthy of credit.

The arithmetical outline drawn for the time of the kings, before it became a vehicle for mere fiction, was filled up with two classes of subjects; the forms of the state, its laws, and the institutions ascribed to particular kings; and legends of their exploits. The former class does not seem to have much occupied the earliest annalists, richly as it provided later ages with materials. The antiquity of the legends is much greater: their origin goes back far beyond the time when the Annals were restored.

That they were transmitted in lays from generation to generation, and that their contents cannot be more authentic than those of any other poem preserved by song on the deeds of former times, is not a new notion. It is near a century and a half since Perizonius[678] exprest it, and observed that among the ancient Romans it was the custom at banquets for the praises of great men to be sung to the flute[79]; a fact known to Cicero

[678] In his Animadversiones Historicae, c. 6. That I did not know this when I first wrote on the subject, I confess, and not without shame: but at all events those who combated my opinion were equally ignorant.

[79] The leading passage is in the Tusc. Quaest. IV. 2. Gravissimus auctor in Originibus dixit Cato, morem apud majores hunc

only through Cato, who seems to have spoken of it as a usage no longer subsisting. The guests themselves sang in turn: so it was expected that the lays, being the common property of the nation, should be known to every free citizen. According to Varro, who calls them old, they were sung by modest boys, sometimes to the flute, sometimes without music[680]. The peculiar function of the Camenæ was to sing the praises of the ancients[81]; and among the rest those of the kings. For republican Rome never stript herself of the recollection of her kings, any more than she removed their statues from the Capitol: in the best times of her freedom their memory was revered and celebrated[82].

We are so entirely dependent on the age to which we belong, we subsist so much in it and through it as parts of a whole, that the same thought may at one time be sufficient to give us a measure for the acuteness, the depth, and the strength, of the intellect which conceives it, while at another it may suggest itself to everybody, and nothing but accident leads one man to anticipate others in giving utterance to it. Perizonius can have known nothing of heroic lays except from books. That he should ever have heard of any still current in his days, or written down from the mouth of the common people, is inconceivable, considering his age. He lived

epularum fuisse, ut deinceps, qui accubarent, canerent ad tibiam clarorum virorum laudes atque virtutes. Cicero laments that these songs were lost: Brut. 18, 19. Like the sayings of Appius the Blind however, they seem to have vanisht only from such as did not care for them. Dionysius had met with songs about Romulus.

[680] Quoted by Nonius, II. 70, assa voce: (aderant) in conviviis pueri modesti, ut cantarent carmina antiqua, in quibus laudes erant majorum, assa voce, et cum tibicine.

[81] Fest. Epit. v. Camenae, musae, quod canunt antiquorum laudes.

[82] Ennius sang of them, and Lucretius mentions them with the highest honour.

long enough however to hear, and perhaps may have heard, but not till a quarter of a century after the appearance of his researches, how Addison roused the obtuse senses of his literary contemporaries, to join the common people in recognizing the pure gold of poetry in Chevy-chace. Whereas the heroic lays of Spain, of Scotland, and of Scandinavia, had long been a part of our common stock: the Lay of the Niebelungen had already revived, and taken its place in literature: and now that we listen to the lays of the Servians, and to those of Greece, the swanlike strains of a slaughtered nation; now that every one knows how poetry maintains its existence in every people, until metrical forms, forein models, the various and multiplying interests of every-day life, and general inertness or luxury, stifle it, so that poetical minds are the very class whose genius most rarely finds a vent; while on the contrary minds without poetical genius, but with talents so analogous to it that they may serve as a substitute, frequently usurp the art; now the empty objections that have been raised no longer need an answer. If any one does not discern the traces of such lays in the epical part of Roman story, he may continue blind to them: he will be left more and more alone every day: there can be no going backward on this point for generations.

One among the various forms of Roman popular poetry was the nenia, containing the praises of the deceast, which were sung to the flute at the funeral processions[683], as they were recited in the funeral orations. We are not to suppose that it resembled the Greek threnes and elegies: the Romans in their old times did not melt into a tender mood, and bewail the dead, but paid them honour. We must imagine the nenia therefore to have been a memorial lay, like those sung at banquets: indeed the latter were perhaps the very same which had first been heard

[683] Cicero, de Legib. II. 24.

at the funeral. Thus it may happen that, without being aware of it, we may possess some of these lays, which Cicero supposed to be totally lost. For surely a doubt will scarcely be raised against the thought, that the inscriptions in verse[684] on the oldest coffins in the sepulcre of the Scipios are either complete nenias, or the beginnings of them[85]. In these epitaphs we find a peculiarity

[684] On the coffin of L. Barbatus the verses are markt and brought out by lines to part them. In the inscriptions on his son and on the flamen there are as many lines as verses; and their metrical character may be recognized with as much certainty from the great difference in the length of the lines, as that of the elegies on more recent monuments.

[85] The three following inscriptions are of this kind. I transcribe them, because it is probable that many of my readers never saw them.

Cornéliu' Lúciu' Scípio Barbátus,
Gnáivo (patre) prognátu', fortis vír sapiénsque,
Quoiu' fórma vírtuti parissuma fuít,
Consúl, Censor, Aédilis, qúi fuit apúd vos,
Taurásiam, Cesáunam, Sámnio cépit,
Subícit ómnem Lúcánaam,
Obsidésque abdúcit.

The second is:

Hunc únum plúrimi conséntiunt R(ománi)
Duonórum optumum fúisse virúm,
Lúcium Scipiónem, fílium Barbáti;
Consúl, Censor, Aédilis, híc fuit apúd vos.
Hic cépit Córsicam, | Alériamque úrbem,
Dédit tempestátibus aédem mérito.

The third:

Qui ápicem | insígne Diális flámínis gessísti
Mors pérfecit tua | ut éssent ómnia
Brévia, honos, fáma, virtúsque,
Glória, atque ingeniúm, quíbus
Si in lónga licuísset tibi útier víta
Fácile factís superásses glóriam majórum.
Quare lúbens te in gremiúm Scipio récipit térra,
Publi, prognátum Publió Cornélio.

I have softened the rude spelling, and have even abstained from marking that the final *m* in *Taurasiam*, *Cesaunam*, *Aleriam*, *optumum*,

which characterizes all popular poetry, and which is strikingly conspicuous above all in that of modern Greece. Whole lines and thoughts become elements of the poetical language, just like single words: they pass from old pieces in general circulation into new compositions; and, even where the poet is not equal to a great subject, give them a poetical colouring and keeping. Thus Cicero read on the tomb of Calatinus: *hunc plurimae consentiunt gentes populi primarium fuisse virum*[686]: while we read on that of L. Scipio, the son of Barbatus: *hunc unum plurimi consentiunt R(omani) bonorum optumum fuisse virum.*

The poems, out of which what we call the history of the Roman kings was resolved into a prose narrative, differed from the nenia in form, and were of great extent; consisting partly of lays united into a uniform whole, partly of detacht ones without any necessary connexion. The story of Romulus is an epopee by itself. On Numa there can only have been short lays. Tullus, the story of the Horatii, and the destruction of Alba, form an epical whole, like the poem on Romulus: indeed Livy has here preserved a fragment of the poem unaltered, in the lyrical numbers of the old Roman verse[87]. On the

omnem, and *prognatum*, was not pronounced. The short *i* in *Scipio, consentiunt, fuit, fuisse, licuisset*, was suppresst, so that *Scipio* became a disyllable; a kind of suppression of which we find still more remarkable instances in Plautus. In the inscription on Barbatus, v. 2, *patre* after *Gnaivo* is beyond doubt an interpolation: in that on his son, v. 6, and in the third, v. 1, 2, the last syllable of *Corsicam, apicem, tua*, is not cut off. In the third I have transferred *si* from the end of the third to the beginning of the next line, and *majorum* from the beginning of the seventh to the end of the one before it. Stonemasons are inaccurate in everything, but most of all in dividing their lines.

[686] Cicero, de Senectute, 17.

[87] The verses of the *horrendum carmen*, I. 26.

Duúmviri pérduellionem júdicent.
Si a duúmviris provocárit,
Provocátióne certáto:
Si vincent, caput óbnúbito:
Infélici árbore réste suspéndito:
Vérberato intra vel éxtra pomoérium.

other hand what is related of Ancus has not a touch of poetical colouring. But with L. Tarquinius Priscus a great poem begins, which ends with the battle of Regillus: and this Lay of the Tarquins, even in its prose shape, is still inexpressibly poetical: nor is it less unlike real history. The arrival of Tarquinius the Lucumo at Rome; his exploits and victories; his death; then the marvellous story of Servius; Tullia's unholy marriage; the murder of the just king; the whole story of the last Tarquinius; the warning presages of his fall; Lucretia; the assumed idiocy of Brutus; his death; the war with Porsenna; finally the truly Homeric battle of Regillus; all this forms an epic poem, which in power and brilliance of imagination leaves everything produced by the Romans in later times far behind it. Knowing nothing of the unity which characterizes the most perfect of Greek poems, it divides itself into sections, answering to the *adventures* in the Lay of the Niebelungen: and should any one ever have the boldness to think of restoring it in a poetical form, he would commit a great errour in selecting any other than that of this noble work.

These lays were much older than Ennius[688], who moulded them into hexameters, and found matter in

The description of the nature of the old Roman versification, and of the great variety of its lyrical metres, which continued in use down to the middle of the seventh century of the city, and were carried to a high degree of perfection, I shall reserve, until I publish a chapter of an ancient grammarian on the Saturnian Verse, which settles the question.

[688] — Scripsere alii rem
Versibu' quos olim Fauni vatesque canebant:
Quom neque Musarum scopulos quisquam superarat,
Nec dicti studiosus erat.

Horace's *annosa volumina vatum* may have been old poems of this sort: though perhaps they are also to be understood of prophetical books, like those of the Marcii; which in spite of his contemptuous glance at them were extremely poetical. Of this we may judge even

them for three books of his poem; and who seriously believed himself to be the first of Roman poets, because he had contemptuously shut his eyes against the merits of the old native poetry, and succeeded in suppressing it. Of that poetry and of its destruction I shall speak elsewhere: here only one further remark is needed. Ancient as the groundwork of the epical lays unquestionably was, the form in which they were handed down, and a great part of their contents, seem to have been comparatively recent. While in the pontifical annals history was adulterated to favour the patricians, this poetry is pervaded throughout by a plebeian spirit, by hatred of the oppressors, and by evident marks that at the time when it was sung some plebeian houses were already great and powerful. The assignments of land by Numa, Tullus, Ancus, and Servius, are in this spirit. All the favorite kings are the friends of freedom. The best of them next to the holy Numa is the plebeian Servius. The patricians appear in a detestable light, as complices in his murder. Gaia Cecilia, the Roman wife of the elder Tarquinius, is a plebeian, a kinswoman of the Metelli. The founder of the republic and Mucius Scævola are plebeians. On the other side the only noble characters are the Valerii and Horatii, houses friendly to the commons. Hence I should be inclined not to date the poems, the contents of which have come down to us, before the restoration of the city after the Gallic disaster, taking this as their earliest age. The middle of the fifth century, the golden age of Roman art, may perhaps also have been that of Roman poetry. The same period is likewise indicated by the consulting the Pythian oracle. The story of the symbolical manner in which the last king instructed his son how to get rid of the

from the passages preserved by Livy, xxv. 12. We must not let Horace determine our opinion on these poems, any more than on Plautus.

leading men of Gabii, comes from a Greek tale in Herodotus. So too we find the stratagem of Zopyrus related of Sextus. We must suppose therefore that there was some knowledge of Greek legends; and why not of Herodotus himself?

THE ERA FROM THE FOUNDATION OF THE CITY.

A COMPUTATION of time, which, ascending from a given point, determines its earliest epoch by artificial combinations, may seem unfit for and unworthy of being used in chronology. But for practical purposes nothing more is requisite, than that its commencement should be fixt relatively. The first year even of our own common era is notoriously misplaced. Such chronological determinateness however must not be mistaken for historical certainty. The majesty of Rome purges its era from the blot of having owed its origin to fraud.

History requires more than one era; Asia a different one from Europe. Eras which reckon backward, or which are necessarily dependent on a supposition ascertained to be utterly false, are positively bad. Different eras suit different times. Thus the Spanish one from the battle of Actium was appropriate so long as the Western empire lasted: afterward it ought to have given way to the general Christian era much sooner than it did; as that of Nabonassar was very properly made to yield to the Seleucidian. The greater or less value of an era for practical purposes depends on three qualities. It should begin early enough to comprehend all such dates as are really historical, within its range in its forward course: it should be applicable without violence to the history of the most important nations that come under it: and the reason which entitles it to preference, should be something permanent. With regard to the point of their

commencement, the Olympic era and that of Nabonassar differ little from the Roman: but while the last grows more and more extensively applicable, until the battle of Actium; of the two former, the one, like Greece, does not survive Alexander except as an empty name, while the other, like Babylon, ceases about the same time altogether. Beyond the epoch assigned to the founding of Rome, the west of Europe has no chronology at all. For Greece the method devised by Eratosthenes, of reckoning from the fall of Troy to indicate relative dates, was a happy thought. For still earlier times in Greece, when all chronology, except for Asia, is a mere dream, we may adopt the Babylonian computation, which began 1905 years before the first year of Alexander's residence at Babylon[689], and which will serve for all Asia on this side of the Indus.

Eras of cities from their foundation were common in Italy. Scaliger quotes an inscription proving that such an era was in use at the Umbrian town of Interamna[90]. That a similar one prevailed at Ameria is shewn by the above-mentioned statement of Cato*. As to the Romans, we have no trace of their reckoning their years in this way before the time of Augustus. On the other hand an era from the banishment of the kings occurs frequently: it was especially usual to employ this for dating alterations in the constitution. This is done by Cicero, by Tacitus, and even by Gaius[91]; a coincidence, which affords ground for conjecturing that such alterations were

[689] See my treatise on the historical value of the Armenian Translation of Eusebius; *Kleine Schriften*, p. 200.

[90] Emend. Temp. p. 385. Puteoli reckoned from the foundation of the colony.

* See p. 143. note 431.

[91] In Lydus, De Magistratibus, I. 27: from whose quotations it appears, that what we have of Pomponius in the Digests are mutilate and incorrect extracts from the Introduction to the Twelve Tables by Gaius.

similarly recorded in some writer followed by all the three: and this was probably no other than Junius Gracchanus, who wrote in the first half of the seventh century.

Dionysius assumed that this mode of reckoning was already in use about the middle of the fourth century: else he would not have built on certain registers of the censors, which designated the year before the taking of the city to be the year 119 after the banishment of the kings[692], as on authentic documents. But, admitting the genuineness of the registers themselves, still this date may not have been set down at the time: it may have been a later addition, made either innocently, or with the design of falsifying the text. However this certainly proves that the era was used in public documents, though possibly not till a later age.

In every era the number of years are to be taken as all of the same kind, whether they are astronomical or lunar years. Now since our Fasti enumerate the magistrates for 120 years, from the beginning of the consulship till the taking of the city, these official years would answer precisely to just as many of the era. But no dependence can be placed on the Fasti; as is sufficiently proved by our finding Brutus and Horatius named as collegues in the treaty with Carthage[93]: and I shall shew in the proper place that the consuls who are made to succeed one another in the first year of the Commonwealth, in such numbers as never occur again, belong to several years. Moreover in Livy, though he followed Cato's computation, during this period the consuls of the years 248, 264, and 265 are wanting, not to mention slighter variations. Still greater discrepancies appear in the Fasti of Diodorus, which, disorderly as they appear to be, are deserving of more attention than they have received, since the greatest difficulties in them arise from miswriting.

[692] Dionysius, I. 74. [93] Polybius, III. 22.

He may have corrupted, but certainly did not invent them.

That the official years should answer exactly to those of an era, became impossible when the term of the magistracies was allowed to expire, before new officers were elected. But it seems to be probable that at first the practice of holding an election under an interrex was retained from the time of the kings, and transferred to that of the consuls. At least it very easily and very frequently happened, that the outgoing magistrates did not complete the election, and that an interreign took place. Now since the new magistrates nevertheless continued in office a full year[694], two official years were longer than two civil ones, by the length of the interreign. The rule seems to have been, for the new magistrates to enter upon their office either on the calends or the ides of a month[95]. Hence, unless matters were accelerated from any extraordinary circumstances, the commencement of the official year was put off for half a month, as often as the election was held by an interrex. But often several interreigns followed one upon another: we cannot expect to find them recorded by Livy in the early times of the Commonwealth, since he very frequently forgets them in the later.

In this way the divergency between years of the Fasti and civil years counted regularly on would have become such, that, supposing the beginning of each series to have coincided in the year 1, at the end of some fifteen years perhaps the consuls might not enter upon office before Quinctilis; so that their time would be equally divided between the years 15 and 16. If the same order of things continued, it might happen that the thirtieth pair of consuls would not ascend the curule throne

[694] Else the promise made to them in the formulary of their election, *ut qui optimo jure facti sint*, was not kept.

[95] Dodwell has shewn this to be very probable

before the beginning of the year 31. Thus a full year, which had actually elapst, would be lost in the Fasti: and though this probably did not take place within so short a time, still it did take place, and more than once. This is analogous, except that the deviations were not regular, to the comparison between a chronological series of solar and lunar years.

Hence we may see the purpose of the ordinance, that the supreme pretor should drive a nail into the wall in the temple of the Capitoline Jupiter on the ides of September. This custom is said to have been adopted because writing was little used in those times. Yet the names of the magistrates were recorded: else there could have been no Fasti. But if the object was to prevent the loss of any years in the record of time, the plan, with all its simplicity, was suited to that end. If the ides of September fell during an interreign, either the consuls who were going out of office before that day, must have proclaimed a dictator to perform the ceremony; or the interrex proclaimed one: and this must have been consistent with the laws regulating the appointment of dictators. Every year was markt and numbered. Now Livy informs us that this annual nail was driven in for the first time by M. Horatius at the dedication of the Capitol, and that the ides of September were the day of the dedication *. This gave rise to the era reckoned from that day, which was used at Rome on public monuments in the middle of the fifth century [696]: and why may it not have been so much earlier? In what year after the banishment of the Tarquins the dedication fell, was variously stated. In fact the era from the banishment seems to have been made to

* VII. 3.

[696] By Cn. Flavius in the inscription on the chapel of Concord: Pliny, XXXIII. 5: where beyond doubt we should read 204, instead of 304.

coincide with this really ancient one from the dedication: and the number of years in the Fasti was brought into accord with it by the insertion of fabricated consulships.

I conceive that the table seen by Polybius in the archives of the pontiffs* was made up of this table, which, beginning from the dedication of the Capitol, named the supreme magistrate in office on the ides of September in every year, along with the chronological computations of the pontifical Annals, drawn from arbitrary and artificial combinations of numbers. The same enumeration of years must have been the groundwork built upon by Varro, and by the author of the Capitoline Fasti; if indeed he was a different person from Varro. It is certainly doing them injustice to assume, that, when they mark a year with the name of a dictator, and without consuls, their notion was that he presided over the republic for a whole year. I have no doubt that, — except perhaps in a single peculiar case, — they only meant to note, that, during the interval between two years so markt, the beginning of the official year had been thrust forward a twelvemonth, and that there were no consuls on the ides of September. On these points they may have been mistaken, or have allowed themselves liberties, in particular instances: the problem of referring events from the variable years of the Fasti to a determinate chronological table, is one we have no means of solving.

For connecting Roman chronology with that of Greece, a fixt point was afforded by the taking of the city. That event, the consequence of a national migration, which rusht on with the rapidity of a torrent, and threatened the remotest regions, had spread consternation as far as the Greek cities, and had even excited attention at Athens†. So it might be known with certainty to have happened in Ol. 98. 1 or 2. Most writers decided for

* See note 656. † Plutarch, Camill. c. 22.

the former year, the archonship of Pyrgion[697]; Polybius and Diodorus for the latter.

Now a person who, following the chronological outline I have described, without attending to the Capitoline era and the commencements of the secles, reckoned 360 years from Ol. 98. 1, up to the building of the city, would place it in Ol. 8. 1. Such is the computation of Fabius[98].

They who reckoned back from Ol. 98. 2, adopting the above-mentioned corrections, would come to Ol. 7. 2. This is the computation of Polybius[99], and of Nepos[700]. With regard to the former however we must bear in mind his general practice in comparing Olympiads with Roman years. Although the Palilia fell before the summer solstice, he reckoned the second year of the seventh Olympiad as coinciding with the first of the city, which had already begun: thus he makes the first year of his history, Ol. 140. 1, answer to 532 of the city.

If any one reckoned in the same way, only beginning from Ol. 98. 1, he would take Ol. 7. 1 for the year of the building: Cato did so. But a difficulty now arose about the mode of inserting the four years obtained from the corrections. The more clearly a person perceived the nature of this chronology, the readier he would be to adopt the shortest solution. Hence Polybius, while he took that statement as to the years of the several reigns, which made the sum of them amount to 240, added the four years to this sum, as having been filled up by interreigns[1]: so that the first consular year fell in

[697] Dionysius, I. 74: probably after Theopompus, or Aristotle.

[98] Dionysius, I. 74; according to the Vatican MS.

[99] Dionysius, I 74. Cicero, de Re p. II. 10.

[700] Solinus, 2. His mention of Eratosthenes and Apollodorus can only mean that Nepos adopted their canon for Troy and the beginning of the Olympiads: for Eratosthenes wrote that Romulus was the grandson of Æneas. See above, n. 598.

[1] Cicero, de Re p. II. 30. His regiis quadraginta annis et ducentis paulo cum interregnis fere amplius praeteritis.

Ol. 68. 1[702]. Whether Cato had set him the example in this, or reckoned, like Livy, 43 years for the reign of Numa, cannot be ascertained. The former method is unquestionably far preferable; since it makes no alteration in the several old numbers, and yet affords the same advantage of enabling us to take the years of the Fasti and the chronological years one for another: hence I too have adopted it.

The proceeding of Diodorus is altogether absurd. He must have reckoned 61 Olympiads for the time of the kings, but began from the eighth[3]: so that he jumbled together the calculations of Polybius and Fabius.

A singular misunderstanding, which I shall clear up in the second volume of this history, misled Varro to suppose that the taking of the city should be placed three years earlier, in Ol. 97. 2. One of these years was set off against the difference in Cato's computation: the result however was that he placed the founding of Rome in Ol. 6. 3.

All these various chronological statements have a common ground: Ennius, who reckoned about seven hundred years from the foundation of Rome to his own time, stood on one entirely different. Varro censures him for this calculation as a gross errour[4]: and certainly, according to all the above-mentioned systems, about 120 years were wanting of that number, when Ennius wrote the last books of his Annals. Still

[702] Polybius, III. 22. Πρότερα τῆς Ξέρξου διαβάσεως εἰς τὴν Ἑλλάδα τριάκοντ' ἔτεσι λείπουσι δυοῖν: that is, 28 years before Ol. 75. 1.

[3] As the five books preceding the eleventh are missing, this can only be proved by inference. The consuls, who in Dionysius fall in Ol. 75, 76, and so on, stand in the annals of Diodorus under Ol. 76, 77, and so on.

[4] Varro, de Re Rusticâ, III. 1.

Septingenti sunt paulo plus vel minus anni,
Augusto augurio postquam incluta condita Roma 'st.

it is always a mistake, to attribute ignorance on subjects of general notoriety to eminent men, in order to account for what we may find in them that runs counter to current opinions; and such a charge only brings shame on the person who utters it. Further on I shall propose another solution, by which the father of Roman poetry would be justified, from the cause usual in such cases, his knowing more than his censurer: the simplest explanation however seems to be this. If a person, adhering to the old Latin chronological expression, that Rome was built 333 years after the fall of Troy[705], adopted the Greek statement as to the date of the latter event, the building of Rome, according as he followed Eratosthenes or Timæus[6], would be carried about 100 or 110 years further back than by the writers hitherto mentioned. Supposing that Ennius, who wrote the last book of his poem in 582, preferred the authority of Timæus, and added seven years for the time since the destruction of Troy, Rome at that time, according to this poetical and national view, was nearly seven hundred years old; about 699. Every way it remains equally inexplicable, how he could make Romulus the son of Ilia, and not of Silvia.

But if Ennius was able to get over this contradiction in his poem, it should not prevent our supposing that Nævius adopted the same chronological arrangement. indeed he decidedly must have done so. if it was after him that Virgil modelled the whole passage from which we know it. Perhaps there may be an express testimony on the point, which has escaped me: or on the other hand Newton, in making Nævius place the building of the city a hundred years before the usual epoch[7], may have fallen under the common lot of human nature, and made the mistake of confounding him with Ennius.

[705] See above, p. 205.

[6] The former reckoned 407, the latter 417 years from the fall of Troy to the first Olympiad.

[7] Chronology, p. 129.

Cassius Hemina, at the beginning of the seventh century, placed the age of Homer, which Nepos according to Greek tables dated 160 years before Rome, more than 160 years after the Trojan war[708]. He must probably have had the same computation in view.

That the second of the above-mentioned chronological schemes * was likewise made use of, we find a tolerably sure trace, though it is mixt up with other matters, and disfigured. Eutropius dated the building of Rome in Ol. 6. 3; or, at an average[9], 394 years after the fall of Troy. These two statements do not coincide, according to any of the opinions concerning the beginning of the Olympiads: they are entirely unconnected with each other. A person who reckoned the 360 years, not from the fall of Ilion, but from the founding of Alba, and who added the 33 years since the landing of Æneas, and a year for his voyage, would obtain the number given by Eutropius.

Timæus, writing about 490, placed the foundation of Rome contemporaneous with that of Carthage, as Dionysius says, and 38 years before the first Olympiad. The same epoch, within a year, for Carthage occurs in other writers, being probably taken from Apollodorus[10]. This in his tables would be 368, with Timæus 379 years after the fall of Troy. Supposing however that Timæus did not reckon backward from the Olympiads, but forward from the

[708] Gellius, XVII. 21.

* See p. 206, note 578.

[9] Cellarius has proved that this is the meaning of the singular phrase, *ut qui plurimum minimumque tradiderunt*. The various readings which occur in several of the manuscripts and old editions, are adulterations introduced into the Historia Miscella from Orosius. The latter, in making the number of years 414 (II. 4), must have been misled by some misunderstanding, which in such a writer it is not worth while to investigate; unless CCCCXIV be a mistake for CCCXCIV.

[10] Dionysius, I. 74. Cicero, de Re p. II. 23. Velleius, I. 6.

taking of Troy[711], and mentioned the year 369, and that Dionysius did not remember that Timæus made the interval between that event and the first Olympiad longer by ten years than the current canon; he may perhaps have followed that canon in determining the epoch assigned by Timæus, instead of which he should have fixt it 48 years before the Olympiads. Trogus placed the building of Carthage 72 years before that of Rome[12]. This, if we date the building of Rome with Varro in Ol. 6. 3, would be exactly 48 years before the Olympiads: and it is evident that in the history of Sicily and the neighbouring countries Trogus followed Timæus, at least very frequently. Thus here again we find the second Latin era, 360: for Timæus certainly never meant to assert that there was a complete coincidence of time in the building of the two cities, which had already begun contending for the superiority, or to determine the age of Rome with precision.

I think I have sufficiently explained the causes of the great variations in the statements on this point; variations which have anything but a historical ground. There still remains one to be solved, which differs essentially from all the others, that of L. Cincius Alimentus, who dated the building of the city about the fourth year of the twelfth Olympiad[13]. The question, what led him to depart thus from the table of the pontiffs, with which he must needs have been acquainted, is the more important, because Cincius was really a critical investigator of antiquity, who threw light on the history of his country by researches among its ancient monuments. He proceeded in this work with no less honesty than

[711] Timæus reckoned 600 years from the fall of Troy to the settlement of Chersicrates in Corcyra: fr. 49 in Goeller's collection.

[12] Justin, XVIII. 6.

[13] Dionysius, I. 74: περὶ το τέταρτον ἔτος. Solinus, 2.

diligence[714]: for it is only in his fragments that we find a distinct statement of the early relations between Rome and Latium, which in all the Annals were misrepresented from national pride. He was a senator, and pretor in the second Punic war, although at the beginning of it he had had the misfortune to be taken prisoner by the Carthaginians. That he possest eminent personal qualities, such as strike a great man, is clear, inasmuch as Hannibal, who treated his Roman prisoners with great harshness, made a distinction in his behalf, and gave him an account of his passage through Gaul and over the Alps, which Cincius afterward incorporated in his history. Now it certainly is possible that he may have discovered some Etruscan or Latin chronological tables, which he preferred to the computation of the pontiffs: but it is more probable that his account likewise was a deduction from the very same statement out of which we have seen so many arise.

That Cincius wrote a book on the old Roman calendar, we are told by Macrobius[15]: that he examined into ancient Etruscan and Roman chronology, is clear from Livy[16]. And it is by supposing him to have followed a very old measure of time, at a period when it had already gone wholly out of use, that we are enabled to explain his chronological statement completely.

During the earlier ages of my history I cannot avoid inserting disquisitions as episodes: and I think I have the same right to claim indulgence for them, as the ancient historians had to weave episodical narratives into their works. These digressions are indeed a departure from the character of oral discourse, which history ought always to bear: they are merely writings, and can only be read by the learned in the solitude of the closet:

[714] For the events of his own time too Livy calls him *maximus auctor:* XXI. 38.

[15] Saturnalia, I. 12.

[16] VII. 3.

this however is an unavoidable disadvantage, to which I certainly do not subject myself willingly. It seems to me more unpretending to combine the narrative and the disquisitions into one work, than to reserve the latter for separate treatises, and to assume their results in the former as establisht. At least such a mode of treating the subject accords with the way in which this history arose and grew.

On the SECULAR CYCLE.

It is well known that, before the Julian reformation of the calendar, the Romans had a lunar year, which they brought, or designed to bring, into harmony with the solar by the insertion of an intercalary month. The great Joseph Scaliger, with that piercing eye which converts expressions used by persons not knowing what they are saying into evidence for the truth, discovered the original system of this computation with irrefragable certainty. He has shewn that the principle was, to intercalate a month, alternately of 22 and 23 days, every other year, during periods of twenty-two years, passing over the last biennium, so that in each of these periods ten such intercalary months were inserted. As five years made a lustre, so five of these periods made a secle of 110 years[717].

The notion that Italy was in a state of barbarism, until science was for the first time introduced there through the intercourse between Rome and Greece, must fall to the ground, when we find that she had this easy and regular computation of time; a computation so entirely forgotten in the age of literary refinement, that Cæsar found the year 67 days in advance of the true time, and was forced to borrow his reformation of the calendar from forein science. The utter ignorance of the Romans in mathematics and astronomy, the results of which, without the science, had been imparted to them by the Etruscans, may have occasioned this confusion

[717] De emendat. temporum, p. 180, and the following pages.

early: but it was turned to account and aggravated by the shameful dishonesty of the pontiffs, who, having assumed the power of intercalating at discretion, favoured sometimes the consuls, sometimes the farmers of the revenue, by lengthening the year, or by shortening it oppprest them.

According to concurrent statements by the most trustworthy ancient writers on Roman antiquities, the year of Romulus consisted of only ten months or 304 days. Among the multitude of witnesses on this point, it is sufficient to refer to Censorinus and Macrobius, who give the number of days in these months [718]. This year, which, taken by itself, agrees neither with the moon nor with the sun, appeared such an absurdity to those who were accustomed only to the views of the Greeks and of later times on the subject, that Plutarch is disposed to doubt its ever having existed: nay, what is much more surprising, Scaliger entirely discards it as a mere fiction, and following Licinius Macer and Fenestella, who however were likewise misled by their inability to understand it, assumes as certain that the Roman year contained twelve months from the beginning [19]. But beside the above-mentioned statements, — which are equalled in precision by few remaining from the earliest times, and which therefore must by no means be rejected, if any ground is to be left for history to build on, — we find unequivocal proofs that this year was once actually in use, and more than one evident trace of its application at a later period, when it was no longer known. And it appears from the relation borne by the cycles of this year to the lunar intercalated year explained by Scaliger, and to its secular period, that the former was applicable along with the other as a running correction, and even preferable to it for scientific uses.

[718] De die natili, 20. Saturnal. I. 12.

[19] De emendat. temporum, p. 173.

The first key for understanding this system occurs in a passage of Censorinus; where he says, that the lustre was the great year of the ancient Romans*, that is to say, the cycle at the end of which the beginning of the civil year would coincide with that of the solar. It is true, he confounds the lustre of his own age, the Capitoline Pentaeterid, as some of the Greeks confounded the Olympiads, with the ancient lustre, and supposes it to have been of the same duration. But though a philologer in a late age may take a wrong view of the meaning of an ancient statement, this does not lessen its value and use, when the misunderstanding can be pointed out so distinctly as in the present case[720].

Five Egyptian solar years of 365 days contain 1825 days; six Romulian years of 304, only 1824. In five years accordingly the Roman computation lost a day, when compared with the Egyptian civil computation, which had no leap-year; but which in 1461 years returned to its original point of starting, with the loss of a year, as the circumnavigator of the world returns with the loss of a day: and when compared with the corrected Julian calendar the old Roman lost nearly two days and a quarter. Now this would be so great a variation, that, unless there were other divisions of time, evidently parts of the same system with the year of ten months, supplying the means of a regular intercalation, with that degree of ease and harmony which is a self-evident proof, the cyclical use of such a year would certainly be improbable.

These divisions are the longest and the shortest of the Etruscan periods; the secle, and the week of eight

* De die natali, c. 18.

[720] Censorinus, de die nat. c. 18. If there be any one who is not entirely convinced by Scaliger's arguments to prove this point, and to shew that a lustre contained five civil years, I refer him to some more specific observations which I shall make when I come to the institution of the censorship.

days. The former was likewise the measure for the cycle of intercalated lunar years. Of the latter we see traces among the Romans, in the practice of holding their markets on every ninth day, the *nundines*. By the Tuscans, or rather according to their system, this day was also called the *nones;* and it is in connexion with this division of time, that the ninth day before the ides permanently retained that name. But the Roman nundines stood in no relation to the body of their year; and the nones were nothing more than a certain day in the month: whereas among the Etruscans they served to mark the weekly periods; and every ninth day was the day of business, on which their kings gave audience, and administered justice[721]. The year of ten months, containing 304 days, was exactly divisible into 38 eight-day weeks: accordingly there were 38 ancient nones in it; and this is just the number of the *dies fasti* retained even in the Julian calendar[22]. So that the old number was preserved, according to the characteristic Roman way of proceeding: but, as it was utterly insufficient for the business of the forum, a far greater number of other days was added to it under different names. Now as the weeks began every year on the same day of the month, the number of days in the intercalary months, if there were any, must likewise have been divisible by eight: or that order would have been disturbed. But if an intercalary month of three Tuscan weeks, or 24 days[23], was inserted twice in the course of the secle or cyclical period of 110 years or 22 lustres, say in the eleventh and the twenty-second lustre, the result at the end of that period gives a surprisingly

[721] Macrobius, Saturnalia, I. 15.

[22] Manutius arrived at this number by merely counting them up, without inquiring into the reason of it: de dier. ratione, in Gothofredus, auctt. p. 1382. a.

[23] I conceive myself the better justified in assuming the intercalary month, the Mercedonius, to have been shorter than the rest, since that of the lunar year likewise contained only 22 or 23 days.

close approximation to the true time, and a correction for the cycles of the lunar year. For the five periods which form the secle, have been computed by Scaliger, who sought no higher degree of exactness than that of the Julian calendar, to contain 40177 days: whereas the sum of the days in the cyclical years, after the intercalation just mentioned, is 40176.

This cycle then is more exact than the Julian computation, in which the tropical year is taken at 365 days, 6 hours: for it makes that year equal to $365^{d}\ 5^{h}\ 40'\ 22''$, which is $8'\ 23''$ too little; while the Julian year is too long by $11'\ 15''$. We cannot indeed assume that the calculation which determined this period, descended to seconds; and we must also observe that no people has undertaken, nor is it practicable, to adapt the civil year to the astronomical with such precision, that the theory of men of science as to the length of the latter can be exactly made out from a cyclical period however long. It cannot be absolutely denied, that the space of $15^{h}\ 22'\ 10''$, by which the cyclical period of 110 years is too short, and which in 172 years amounts to a day, was made up by ulterior intercalations. But since the application of the numerical rules, which up to this point give us a complete system, will not carry us any further, this renders it most probable that the Etruscans had fixt the tropical year at precisely $365^{d}\ 5^{h}\ 40'$.

Of this profound science indeed nothing is said by Censorinus or any other Roman: and Ennius is reported by Censorinus[724] to have assigned 366 days to the solar year. But by this he either meant nothing more than that a part of the 366th day is comprised in the tropical year; or, without understanding what he was saying, he set down what at all events he had only heard from others. In Rome itself the ignorance of astronomy in his time was undoubtedly very great: and if the science

[724] c. 19.

of former days was not already extinct, as it was afterward, among the Etruscan priests, all that remained was an acquaintance with its results: just as the Bramins mechanically make use of formules, the scientific deduction of which they do not know, and would be unable to comprehend.

From the scientific exactness of this year, it follows that it was by no means an empty form, but might be practically useful along with the civil year, after the latter had been accurately regulated. For it is clear that in the last period of the secle, instead of an intercalary month of 23 days, which the regular order required, it became necessary to intercalate one of only 22 days, for the sake of preserving the harmony between the two systems. This correction was easy, provided a true account of time was kept from the beginning to the end of the secle. To guard against the confusion threatened by the irregularity in the commencement of the years in the Fasti, the practice of driving in the nail was resorted to, which at Rome was done in the Capitoline temple: to this usage, as has been observed above, the Romans, after the dedication of that temple, were indebted for a true record of time. The meaning of this solemnity, which was deemed ludicrous by the ignorance of later generations, and which probably ceast as soon as it became customary for the new consuls to be elected without any interreign, before the year of their predecessors expired, had already been forgotten about the middle of the sixth century. This led Cincius to relate that he had found similar nails at Vulsinii in the temple of Nortia: he supposed they were meant to score the years, at a time when writing was rare[725]. The object was, to determine how many lustres had elapst since the beginning of the secle. The close of a lustre, *lustrum conditum*, was doubtless noted in a similar manner.

[725] Livy, VII. 3.

The whole of the Eastern world followed the moon in its calendar. The purely scientific division of a vast portion of time is peculiar to the West; the fruit of observations made during many centuries in the primitive ages of the Western world. This Western world was connected with that primeval and extinct world, which we call the New. The ancient Aztecans, whose calendar was the most perfect anywhere used for civil purposes before the Gregorian, had a great year consisting of 104 solar years[726]. Their mode of dividing it accorded with their system of numeration, in which twenty-five was the base. During this period they too introduced two intercalations, making up 25 days between them: and when we read of the Mexican festivals of the New Fire at the beginning of a new secular period, it is impossible not to be reminded of the Roman, or, properly speaking, the Etruscan secular festivals; more especially as at Rome a new fire was kindled in the temple of Vesta on every first of March. This certainly is a point on which every one must judge for himself: only let not this explanation of the cyclical year be called a mere groundless hypothesis, because its contents cannot be quoted from ancient writers word for word. It results so essentially from this measure of time, with such absolute arithmetical precision, and is in such exact harmony with another system, which is known to have existed, that it can no more be owing to a sport of chance, than could mathematical diagrams in the sand. And this is still more decisive than the consideration, that our sole alternative is, between supposing the earliest Romans not only so ignorant but so senseless as to use a calendar dictated by no analogy in nature or science, and supposing

[726] There is an excellent treatise on the Mexican chronology by D. Antonio Leon y Gama, entitled *Saggio dell' Astronomia Cronologia e Mitologia degli antichi Messicani, Roma* 1804 (a translation from the Spanish), for the knowledge of which I am indebted to the kindness of Professor Ideler.

them to have used one which had been calculated by some learned people. To assume with Macrobius, who takes no account of the cycle, that, when the seasons did not agree with their months, they let a certain time pass which had no name at all, is, from ignorance of the modes of thinking prevalent even among the rudest tribes, to degrade the Romans in barbarism below the Iroquese. I am far from meaning to class Romulus among astronomers, which Scaliger deprecates: but the name of the Romulian year need not, and indeed is not intended to signify anything but the original cyclical one.

The Roman archeologers however were assuredly mistaken in two of their suppositions; that the calendar of ten months was originally the only one in use; and that it was afterward given up entirely. The former is improbable: for that calendar bears so close a relation to the cycle of the lunar year, that it can scarcely be doubted they were formed at the same time. Moreover the earliest calendar for popular use would necessarily observe the changes of the moon: and such a one, which adapted itself to the seasons like the Fussli year in India, must always have been requisite. The second supposition is erroneous. The year of ten months was undoubtedly still in use long after the time of the kings; and it continued to be applied in certain usages, the origin of which was lost sight of in after times.

The Etruscans used to follow the honest rule of only making peace under the form of a truce for a definite number of years. The Roman treaties with Veii, Tarquinii, Cære, and Vulsinii, are spoken of, almost without exception, as truces, with a specification of the stipulated term. Now the Etruscans are not charged with having broken any of these treaties; though hostilities almost always recommence before the years of the truce have expired according to the Fasti. One instance, among several which are quite unequivocal, and which will be

pointed out in the course of the history, is furnisht by the peace with Veii in the year 280. This was concluded for forty years. In 316 Fidenæ revolted, and joined Veii*: which implies that the latter was already at war with Rome. That revolt excited great indignation among the Romans: yet they do not accuse the Veientines of having broken their oaths. A still clearer instance is afforded by Livy's saying under the year 347, when according to the Fasti eighteen years had elapst of the twenty-years truce made in 329, that it had expired[727]. These facts can only be explained by supposing that the years were those of ten months: for 40 of these are equal to 33⅓ ordinary ones, 20 to 16⅔: so that the former truce had come to an end in the year 314, the latter in 346.

The Latin tribes and the Hernicans employed very singular methods of computing time; the system of which may perhaps be divined by some one else from what Censorinus says concerning the calendars of Alba, Lavinium, Tusculum, Aricia, and Ferentinum. Their months are said to have varied from 39 days to 16[28]. The calendar of the Ausonian tribes, whatever its principles may have been, was certainly quite different from the Roman civil one. Hence Rome concluded truces with them likewise, for instance, with the Volscians and Æquians, according to cyclical years. Thus the truce ratified in 323 for eight years, or 6⅔ civil years, ended in 330: nor are the Volscians charged with perjury on their renewing hostilities the next year. The same practice prevailed between the Romans and the Faliscans.

It was unquestionably in the spirit of the Etruscans

* Livy, IV. 17. Fidenae — ad Veientes defecere.

[727] Livy, IV. 58.

[28] Censorinus, c. 20. 22. I have no doubt, their real character was of the same kind as that of the Roman year; only it was disguised by a number of artifices.

and Italicans, to make use of an unvarying calendar in cases where even an involuntary transgression threatened to draw down punishment from the gods: and if we suppose that the Roman intercalations had already got out of order, this motive must have had double weight.

The year of ten months was the term for mourning, for paying portions left by will; for credit on the sale of yearly profits, and most probably for all loans; and it was the measure for the most ancient rate of interest.

Scaliger, who stopt only one step short of the point where he would have discerned the nature of these chronological systems, and who perhaps would not have suffered himself to be repelled by their seemingly strange character, had he had a better account of the Aztecan calendar,—he before whose eyes every scientific people of the earth shed light upon the rest,—Scaliger himself remarks how singular it is, that the Saturnalia and Matronalia, those beautiful festivals of ancient household feelings, inseparably connected as they were by their spirit, should have been celebrated, the former at the end of December, the latter at the beginning of March.

Of the chronological views which led Ennius to reckon about seven hundred years between the building of Rome and his own time, I have already suggested what I now regard as the more probable explanation. But we might also suppose them to be cyclical years of ten months: for seven hundred of these make about 583 civil years; and it was in 582 that the old man wrote the last book of his Annals.

Ten was the fundamental number of Etruria, being that of the secles assigned to the nation: that of Rome was twelve. The same proportion which exists in time between the cyclical and the lunar year, holds in the measurement of space between the Tuscan *vorsus* and the Roman *actus*. It even seems as if the Romans had put twelve Etruscan prisoners to death for every ten

of their countrymen who had been sacrificed by the Tarquinians[729].

Now as every statement of a day prior to the Gregorian reformation of the calendar must be referred, according to the true computation, to a different day from the one mentioned; so would it be with the number of years said to have elapst, if a state were to adopt a new system of years. The Roman antiquaries assumed, that the years of the city in the earliest tables consisted of only ten months: and most of them ascribed to Numa what they considered as the introduction of a better calendar. For this reason Cincius seems to have reduced the number of the ancient years which he found in the table of the pontiffs to an equivalent number of common years: and according to the above-mentioned assumption this was certainly necessary, for determining the epoch of the foundation of Rome with reference to a different era. The two reigns of Numa and Romulus indeed would only give a difference of 13 years. But Junius Gracchanus, an eminent investigator of ancient customs, maintained that the old calendar continued in use until the time of Tarquinius, that is, Priscus[30]. Now the pontiffs reckoned 132 years before his reign[31]: if Cincius took these to be cyclical years, he got exactly a secle for the first four kings; and if he subtracted the difference, 22 years, from the era of Polybius, the result for the building of the city would be the very date Ol. 12. 4.

[729] That is,—if, in Livy, VII. 19, we may read CCCLXVIII, instead of CCCLVIII, or of CCCXLVIII, as it is in the old editions,—368 men for 307.

[30] Censorinus, 20.

[31] See p. 253.

THE BEGINNING OF ROME, AND ITS EARLIEST TRIBES.

When the existence of an unknown southern continent was a matter of general belief, when an outline of it used to be drawn on maps, and it was deemed presumptuous incredulity to reject it as a fiction, an essential service was done to knowledge by the voyagers who sailed across that line, and shewed that, though certain points and coasts included in it really existed, they did not confer any reality on the imaginary continent. It was a further step, to give a comprehensive proof of its non-existence. But the demands of geography could only be satisfied by an examination of the several islands which exist in the place attributed to the supposed continent: and though the navigator was kept off and prevented from landing on them by reefs and breakers, though mists obscured his view of them, still what he perceived was no longer merely negative gain: and many inferences might be drawn from our knowledge of such countries, as we had good grounds for deeming of the same or of a similar kind, in their physical nature and their population, with the regions which could not be immediately explored.

I am not inquiring who built Rome, or who gave laws to her: but with regard to the questions, what Rome was, before her history begins, and how she grew out of her cradle, some information may be gleaned from traditions and from her institutions. What by long meditation on the subject has to me become clear and certain, I am now about to communicate; not in the form

of an endless investigation of every minute circumstance on which I build my conclusions, but on the principle of asserting nothing however slight with any other than the precise shade of conviction which it has in my own mind, and allowing myself to exercise that freedom of judgement without which such a task becomes a burthen.

That Roma was not a Latin name, was assumed to be self-evident[732]: and there can be no doubt that the city had another, of an Italian form, which was used in the sacred books, like the mysterious name of the Tiber. The name Roma, which has a Greek look, like that of the neighbouring town of Pyrgi, belonged to the city at the time when, like all the towns round about, it was Pelasgian; to the little Roma of the Sicelians or Tyrrhenians, on the Palatine hill. A remembrance of that time is preserved in the story of Antiochus, that Sicelus came from Roma; and also in the Cuman chronicle*: and if there were any Greek writers who called Rome a Tyrrhenian city[33], I have already stated my belief that at least in several of them and originally, this unlucky ambiguous name did not mean the Etruscans, but the ancient Tyrrhenians. Whether Roma fell into the hands of the Cascans when they overpowered the Sicelians, is doubtful: but it is most probable that she was at one time among the Latin towns, which, while they retained their freedom, acknowledged the supremacy of Alba.

All the legends agree that the Palatine hill was the original site of Rome. Judging from the mode of fortification in use among the people of the country, we must suppose that it covered the whole hill, the sides of which the inhabitants cut away as well as they could. No town in those very remote ages would have been so

[732] Macrobius, III. 9. Romani ipsius urbis nomen Latinum ignotum esse voluerunt.

* See note 595.

[33] Dionysius, as referred to in note 597.

planned, that the line of its walls should pass along the valley round the hill: and only in course of time, here as at Athens, did the original city become the citadel.

What Tacitus speaks of as the pomerium of Romulus[734], was an enlargement of the original compass; taking in a suburb, or borough, round about the city, scantily fortified with a mere wall and narrow ditch, as the chronicles describe the Borghi round Florence. This weak fortification is the one that Remus insults in the legend. The word *pomoerium* itself seems properly to denote a suburb taken into the city, and included within the range of its auspices. According to Tacitus, that of Romulus ran from the Forum Boarium,—that is, from the neighbourhood of the Janus which, according to a tradition one would gladly believe, was considered in the middle ages as the remains of the palace of Boethius, the last of the Romans,—through the valley of the Circus; then from the Septizonium to about the beginning of the Via del Colosseo, a little below the baths of Trajan[35]; from thence along the top of the Velia to the chapel of the Lares; and finally by the Via Sacra to the Forum: here was a swamp reaching to the Velabrum. Another borough, which however was unconnected with the town on the Palatine, and probably was of later origin, stood on the Carinæ, near S. Pietro in Vincola. It had an earth-wall toward the Subura, then the village of Sucusa[36]: and the gate at the foot of the Viminal, spoken of in the legend of the Sabine war[37], the Porta Janualis,

[734] Annal. XII 24.

[35] Commonly called the baths of Titus. Blondus in 1440 found this district still described in legal documents as the Curia Vetus, and so called by the inhabitants: Roma Instaurata, II. 32. This line however seems to diverge far too much.

[36] Varro, de l. l. IV. 8.

[37] Macrobius, I. 9. Cum bello Sabino Romani portam, quae sub radicibus collis Viminalis erat, claudere festinarent. This is the legend related above, p. 231.

can have been no other than that which closed the bottom of the ascent leading up to the Carinæ.

The remark made by Dionysius, that the Aborigines dwelt upon the hills in a number of scattered villages, is confirmed by the state of the country about the original town of Roma, whatever opinion may be entertained as to the primitive inhabitants. One of these places, as I have already observed, was probably called Remuria: one on the other side of the river, somewhere near S. Onofrio, Vatica, or Vaticum: for from a place with such a name must come that of the *ager Vaticanus*[738]. The tradition too which places another village on the Janiculum, seems deserving of attention, however little may be due to its pretended names, Ænea, or Antipolis *. These villages must have been the first that disappeared before Rome.

The original territory of Rome was bounded by the Tiber toward Etruria, and on the other sides by the towns on the neighbouring hills[39]: in the direction of the sea alone did it extend to any distance. So that there was no independent settlement on the Aventine in those days: on the Cælian however was the town of which I shall speak further on. But of incomparably greater importance was the one on what in early times was called the Agonian hill, the town of which the Capitoline may be considered as the citadel. For the skirts of these two hills met in a spot which afterward formed a part of the Forum Ulpium; while a swamp and marsh, extending from the Velabrum across the Forum as far as the Subura, separated this town from Roma on the Palatine. If we wish to know the name of this town, I think I

[738] After the analogy of the *ager Albanus, Tusculanus, Lavicanus*, and the like.

* Dionysius, I. 73. Pliny, III. 9.

[39] Festus, v. Pectuscum Palati. Ea regio urbis, quam Romulus obversam posuit, ea parte in qua plurimum erat agri Romani ad mare versus: cum Etruscorum agrum a Romano Tiberis discluderet, ceterae vicinae civitates colles aliquos haberent oppositos.

may assume without scruple, that it was Quirium: for that of its inhabitants was Quirites[740]. The derivation of Quirites from *Cures* is very awkward, that from *quiris* clearly erroneous. Assuredly too in the earlier legend Numa was represented as a citizen of Quirium, not of Cures. The later name of the hill, the Quirinal, is derived from that of the town.

That this hill was inhabited by the Sabines, is as certain, as any well-establisht fact in the ages for which we have contemporary history. Nor is this certainty lessened by the connexion between the tradition and the war of Tatius and the heroic lay. That the Sabines were an elementary part of the Roman people, appears from our finding that most of the Roman religious ceremonies were Sabine, and were ascribed, some to Tatius[41], others to Numa. The connexion too between the Quirinal and Capitoline hills was preserved in undisputed recollection[42]. The place where the house of Tatius had stood, was shewn in the Capitol, on the spot where the temple of Moneta was afterward built[43]. The Sabines, when they had driven the Cascans and the Umbrians before them, kept on pushing forward down the Tiber. Hence we find their towns of Collatia and Regillum in the midst of the Latin ones in this district[44]. The Latin

[740] After the analogy of *Samnium, Samnis*. By the way, the town, a citizen of which was called *Interamnis* (Cicero pro Milon. c. 17), a name altered by the critics into *Interamnas* against the authority of the manuscripts, must have been *Interamnium*. The other town was *Interamna*.

[41] Varro, de l. l. IV. 10. p. 22. Dionysius, II. 50.

[42] Τάτιος, (ᾤκει κατέχων) τὸ Καπιτώλιον ὅπερ ἐξ ἀρχῆς κάτεσχε, καὶ τὸν Κυρίνιον ὄχθον. Dionysius, II. 50. One can readily believe that the first Sabine settlement was on the Tarpeian rock: cum Sabini Capitolium atque arcem implessent: Livy, I. 33. When the junction of the Quirinal with Rome is ascribed to Numa (Dionysius, II. 62), this is in reference to the Sabine character of that hill.

[43] Plutarch, Romul. c. 20.

[44] Collatia, et quidquid circa Collatiam agri erat, Sabinis

or Siculian towns, amid which they establisht themselves, were most probably subject to them. Nor did the original town of Roma escape this lot; though she may perhaps have maintained herself for some time against the rival town which was rising on the opposite side of the intervening marsh. Roma and Quirium were two completely distinct towns; like the Greek and Hispanian Emporiæ, which were distinct states, separated by walls *; like the Phenician Tripolis of the Sidonians, Tyrians, and Aradians †; like the Oldtown and Newtown of Dantzic in the middle ages, and the three independent towns of Kœnigsberg, which stood wall to wall, yet made war against one another; like Ghadames in Northern Africa, where two hostile tribes dwell within the same inclosure, with a wall to part them ‡. Nor have all traces of the steps by which the two towns were united into one state, been effaced. A tradition was preserved, that each had its king, and its senate of a hundred men[745], and that they met together in the Comitium, which received its name from thence, between the Palatine and the Capitoline hills[46]. Let me not be charged then with proposing

ademtum: Livy, I. 38. But we must not overlook that Virgil mentions it among the Latin towns: Æn. VI. 774. Regillum is spoken of as Sabine by Livy, II. 16; Dionysius, V. 40.

* Livy, XXXIV. 9. † Strabo, XVI. p. 754. d.

‡ Lyon's Travels in Northern Africa, p. 162.

[745] Ἐβουλεύοντο οἱ βασιλεῖς οὐκ εὐθὺς ἐν κοινῷ μετ' ἀλλήλων, ἀλλ' ἑκάτερος πρότερον ἰδίᾳ μετα τῶν ἑκατόν· εἶτα οὕτως εἰς ταυτὸν ἅπαντας συνῆγον. Plutarch, Romul. c. 20.

[46] I am aware the word *comire* was considered as merely containing a record of the meeting in which the two kings concluded the treaty (Plutarch, Romul. c. 19): and hence their statues were erected in the Comitium, in the Via Sacra; that is, in the part of it which led from the foot of the Capitol to the gate of the Palatium. But the Comitium was afterward the place where the patricians assembled: and as the senates of the two cities met there, so assuredly in case of general deliberations did the whole body of the citizens, the ancestors of the patricians.

a vapid interpretation of the poetical story, a thing I should reject with disgust, if I interpret the rape of the Sabines, and the war which broke out in consequence, as indicating that at one time no right of intermarriage subsisted between the two cities, until the one which had been in subjection, raised itself by arms to an equality, and even to a preponderance of power. The preservation of Romulus and Remus is a fable, which may pass from the heroic poetry of one people into that of another, or may arise in several places, as it was told of Cyrus in the East, and of Habis in the West: but the rape of the Sabines relates to traditions of quite another kind.

When the two cities were united on terms of equality, they built the double Janus[747], on the road leading from the Quirinal to the Palatium, with a door facing each of the cities, as the gate of the double barrier which separated their liberties. It was open in time of war, that succour might pass from one to the other; and shut during peace; whether for the purpose of preventing an unrestricted intercourse, out of which quarrels might arise, or as a token that, though united, they were distinct. The boundary between the two towns was probably markt by the Via Sacra; which came down from the top of the Velia, between the Quirinal and the Palatine properly so called, and then making a bend ran between the latter and the Capitoline, as far as the temple of Vesta, whence it turned right across the Comitium toward the gate of the Palatine. It was evidently destined for common religious processions.

Among the vestiges of the joint kingdom was the double throne, which Romulus retained after the death of Remus[48]. We may also discern a symbol of the double

[747] The Janus Quirini. The other Januses in the Via Sacra were of the same kind.

[48] See p. 227, n. 626

state, as the ancients have done before us[749], in the head of Janus, which from the earliest times was stampt on the Roman as. The ship on the reverse side alludes to the maritime power of the Tyrrhenians.

A double people the Romans certainly continued to be till low down in the historical age. It was natural that this should be indicated symbolically on many occasions. And this is the real meaning of the story of the twin brothers: which, if it was first prompted by the union of Roma with Remuria, was kept up by that of the Romans with the Quirites, and gained the most vivid reality from the relation between the patricians and the plebeians. Romus and Romulus are only different forms of the same name[50]: the Greeks, hearing a rumour of the legend about the twins, substituted the former for the less sonorous name of Remus.

The union became firmer; whether on account of the alarm spread by the approach of the Tuscan conquests, or by the power of Alba. In course of time, when the feeling that the citizens of the two towns were one people had been fostered by intermarriages, and by a common religious worship, they came to an agreement to have one senate, one popular assembly, and one king, who was to be chosen alternately by the one people out of the other[51]. If we might suppose that in touches of this kind the poetical story aimed at presenting us with historical traditions, the establishment of this legitimate order was preceded by a usurpation on the part of the Romans, whose king prevented the election of a successor to his Quirite collegue. From this time forward

[749] Servius, on Æn. 1. 291. Alii dicunt Tatium et Romulum facto foedere Jani templum aedificasse, unde et Janus ipse duas facies habet, quasi ut ostendat duorum regum coitionem.

[50] See note 219.

[51] It was because the *patres* were conceived in later times to be in all cases the same as the senators, that the story of Numa's election assumed its present form.

at the least the two nations, having now become one, were styled on all solemn occasions *populus Romanus et Quirites;* or properly, after the old Roman usage of combining such names by mere juxtaposition, *populus Romanus Quirites* [752]: which in later times was distorted into *populus Romanus Quiritium.* For although the names *Quirites* and *plebeians* were subsequently equivalent, this ought not to shake the credit of the tradition, that the former were properly the Sabine subjects of Tatius. It is easy to understand how, after all distinction between the Romans and the ancient Quirites had ceast, the name was transferred to the plebeians, who were now placed in similar circumstances with the latter. By this union Romulus was converted into Quirinus: and Quirium probably became that mysterious Latin name of Rome, the utterance of which was forbidden.

Wherever mention is made of tribes in the early part of ancient history, before the period when an irresistible change in the condition of society led to democratical institutions, if any difference of rights prevailed among them, and anything can be discerned of their nature, it is manifest that they were either distinct castes, or of different origin: and even the distinction of castes, where it can be accounted for, always arose from immigration or from conquest, even in Egypt and India. This fate therefore must have been experienced by Attica, even before the Ionian immigration, if the notion that there were at one time three tribes there, formed by the nobles, the peasants, and the craftsmen [53], be anything more than a dream.

[752] This is establisht by the learned Brissonius, de Form. I. p. 61: he only goes too far in imputing the later corruption, which Livy found already in use, to the transcribers, and in wishing to rid Roman writers of it. This exaggeration was the cause which prevented that excellent critic, I. F. Gronovius, from perceiving the truth of his remark: Obss. IV. 14. It is like *lis vindiciae* and *lis vindiciarum.*

[53] Julius Pollux, VIII. 111: Εὐπατρίδαι, γεωμόροι, δημιουργοί. The light however which Hermann has thrown on this subject, in

For the four Ionic tribes there is historical evidence: but the explanation which converts them into castes, rests only on a very dubious interpretation of their names, assuming that they express conditions and callings more or less clearly, and answer to the four tribes of Dgiamschid, the priests, the warriors, the husbandmen, and the shepherds. At the same time it must not be overlookt, that in rank, as to which the order of the names is unquestionably decisive, the Hopletes are the last [754]: so that the warriors would stand below the labouring classes.

As to the practice of dividing a people into tribes according to the different nations or places they came from, it is sufficient to adduce two instances from the earlier ages of Greece. The Cyrenians were distributed by Demonax into three tribes: one contained the Theræans and their subject peasantry; the second the Cretans and Peloponnesians; the third all the other islanders [55]. Another instance is furnisht by Thurium; first in the relation between the old Sybarites and the new citizens, — although that belongs also to another head, — and next in the division of the latter, when they had got rid of the others, into ten tribes, according to their descent from the Peloponnesus, from Athens and the Ionian towns, or from other states between the Isthmus and Thermopylæ [56].

his preface to the Ion. p. xxi, makes me consider it almost certain that the statement is not authentic. Assuredly they would not have derived their names simply from their callings: though it may probably be the fact, that at Athens also, before the time of the Ionians, there were three tribes, the names of which are unknown.

[754] Not only according to Herodotus, v. 66, but also according to the Cyzicene inscription cited by Wesseling in his note. — Hermann's remarks have completely freed me from the yoke of an opinion which I had long been accustomed to hold.

[55] Herodotus, iv. 161. In this division it deserves to be noticed, that, although at Thera there was a narrow aristocracy, and only a very limited number of houses were eligible to magistracies, in this colony the Theræans and their subjects were on a level.

[56] Diodorus, xii. 11.

Still nearer Rome we find a similar instance at Mantua: where the *power of the Tuscan blood* among the three tribes can only be explained to mean, that the ruling tribe consisted of Tuscans; the others of foreiners, Ligurians, or Umbrians [757].

Thus the citizens of the two towns, when their confederacy was converted into a union, became the members of two tribes, the Ramnes and the Tities, whose names are deduced with one consent from their royal founders. But along with them we find a third tribe, the Luceres; a name the explanation of which was a matter of much controversy among the Roman antiquaries. Most of them [58] derived it from Lucumo, a pretended Etruscan ally of Romulus, who is said to have fallen in the Sabine war [59]; some from Lucerus, a king of Ardea [60]. In other words, the citizens of this tribe were held by the former to be Etruscans, by the latter to be Tyrrhenians.

A perfectly natural explanation is supplied by another

[757] In a note on Æn. x. 201, and foll.

— sed non genus omnibus unum.
Gens illi triplex, populi sub gente quaterni:
Ipsa caput populis, Tusco de sanguine vires:

Servius, wretchedly as he has been mutilated in the later books, has yet preserved a scholium of some value: quia Mantua tres habuit populi tribus, quae in quaternas curias dividebantur. *Gens* is used for *tribus*, as the ten tribes of the Persians are called γένεα in Herodotus, i. 125, and the φρήτρη of the Achæmenids is included in the γένος of the Pasargads. In the passage of Virgil however the division according to descent appears to be mixt up with a local one: the *populi* seem to be twelve demes in the territory of Mantua. At least the words may naturally mean, *Mantua is the chief over twelve demes; whereas they must* be very artificially strained, if Virgil intended to say, *she is the chief of the curies contained in her tribes*. On *Tusco de sanguine vires*, Servius says: *quia robur omne de Lucumonibus* (from the ruling Etruscans) *habuit*.

[58] Even Cicero, de Re p. ii. 8.

[59] Merely because he never appears afterward. The name of *Lucomedi* (see Festus) for the Luceres must have been confined to poets.

[60] Festus, v. Luceremses.

form of the name, *Lucertes*[761], which manifestly comes, like Tiburtes, from that of a place, Lucer, or Lucerum. These likewise were the citizens of a separate town, who were incorporated and formed a new tribe. The site of their town must be lookt for on the Cælian. This hill is said to have formed part of the city even in the time of Romulus[62]. Tullus Hostilius however is considered as properly the founder of the settlement upon it, in consequence of his bringing the Albans thither: so that this was the abode of the Alban houses, which he raised into Roman ones, as that of the Sabines was on the Quirinal. A branch of the Romans was referred to Tullus, in the same manner as the two primary tribes to Romulus and Numa, and the plebs to Ancus. These four kings were spoken of as the authors of the ancient laws; and only these, not Tarquinius[63]. Assignments of lands too were ascribed to them all four; which is a mark that they were regarded as the founders, each of a distinct part of the Roman nation. Now the only part left for Tullus are the Luceres; so that these must be the same with the citizens of his town on the Cælian, which I shall henceforward call Lucerum without further preface. To the same spot are we led by the story which derives their name from Lucumo in the time of Romulus. For this Lucumo is no other than the Tuscan captain Cæles Vibenna, who is said to have settled on this hill with his band of followers, and from whom its name was deduced. With regard to the king who received him, there were very different statements: some of them went back to the time of Romulus[64]; because the Cælian

[761] The same in the same place.

[62] Dionysius, II. 50. φῶκει Ῥωμύλος τὸ Παλάτιον (κατέχων) καὶ τὸ Καίλιον ὄρος.

[63] Numa religionibus et divino jure populum devinxit, repertaque quaedam a Tullo et Anco. Tacitus, Annal. III. 25.

[64] Dionysius, II. 36. ἐφ' ἑνὸς ἡγέμονος ἐκ Τυρρηνίας ἐλθόντος, ᾧ Καίλιος ὄνομα ἦν, τῶν λόφων τὶς ἐν ᾧ καθιδρύνθη Καίλιος — καλεῖται.

belonged to Rome before the union with the Sabines. The powerful Etruscan was conceived to be a Lucumo: his appearing under the two forms of Lucumo and of Cælius is owing to those who held the former to be a proper name.

As Numa, the father of the Tities, was made to come from Cures, Tullus Hostilius was brought through his father[765] from Medullia, a Latin town, which had been conquered by the Romans. This implies that Lucerum was in a state of subjection, and was inhabited by a Latin race, anterior to the Alban settlement. So does the account that the Cælian was subject to the Roman kings in the days of Tatius.

As the citizens of each of these places formed a separate tribe, the territory belonging to each formed a region in the public domain[66]. This is erroneously

[765] Dionysius, III. 1. His voluntary removal is a recent alteration, for the sake of preserving an imaginary decorum: in the old legend he must have been among the captives who were carried away to Rome. It is by no means necessary to regard the derivation of the Hostilii from Medullia as a fiction. The surname of Medullinus in the Fasti shews that a family of the Furii were of the same origin; as does that of Camerinus that a branch of the Sulpicii came from Cameria: both towns according to the legend were reduced and incorporated by Romulus. A considerable number of Roman surnames are without doubt derived from the names of towns, every recollection of which has been erased from history: thus there must have been such towns as Viscellia and Malugo. The houses which bore these surnames belonged probably to the Luceres; as all those which are called Alban houses admitted by Tullus, and accordingly even the Julii, did necessarily. Among these Albans were the Cloelii and Servilii: the Fasti exhibit the names Cloelius Siculus and Servilius Priscus, both which surnames are evidence of Latin blood. Others attest that some of the ancient houses were sprung from different nations; such as Aquillius Tuscus, Sicinius Sabinus, Cominius Auruncus: the Auruncians were the nation to which the Cascans belonged. Above, pp. 69, 82.

[66] Varro, de L. L. IV. 9, p. 17. Ager Romanus primum divisus in partes tres: a quo tribus appellatae, Ramnium, Titiensium, Lucerum.

represented as a division of the ager. There is less incorrectness in the view which ascribes the assignment of landed property to the founders of the three tribes, the first three kings: for according to the principles of the Roman constitution all such property emanated from the republic. Whoever became a citizen delivered up his to the state, and received it back from the hands of the same. The ignorance of later ages regarded this as a partition of the domain.

In every nation of antiquity there was a peculiar immemorial mode of division into a definite number of tribes. If the citizens of a state, whether the whole body of them, or a portion of that body, enjoyed an equality of civil rights, and at the same time did not live united in a central capital, but scattered about in hamlets, these were subjected to the same principle of arrangement. The Dorians in Rhodes dwelt according to their tribes in its three cities[767]. The same division by three is the principle of the distribution of the Latin towns, and of the plebeian tribes, as well as of the curies: the two former, like the latter, were subdivisions of tribes; and the former, like the latter, contained only a decury apiece, of which we find traces in the Latin tradition representing the founding of Lavinium as its restoration *. Thus the senate of a Latin town consisted of ten decuries: an institution which was retained in the Latin colonies, and preserved or introduced by the Julian law in all the municipal towns created by it, where the senate consisted of the stated number of a hundred decurions. The Roman senate, when completed, was formed by the united senates of the three towns, each of which sent a hundred senators.

These tribes were not castes. Yet if a new state arose, it was not allowable for it to deviate from the

[767] Iliad, B. 668. Τριχθὰ δὲ ᾤκηθεν κατὰ φυλάδων. The Dorians everywhere appear as τριχάϊκες.

* See p. 201.

peculiar fundamental institution of the nation it belonged to. When Demonax settled the constitution of Cyrene, the phyles he establisht were different from the original Dorian three, because circumstances made such a difference necessary: but as Cyrene was substantially a Dorian city, although some Ionian islanders were incorporated, the tripartite division was kept. The Sabines would most probably have a different division from the Latins: but, according to that division, Quirium belonged, in the same manner as Roma, to a tribe of its nation. When Roma and Quirium separated from their respective nations, and establisht an independent state, the Latin principle became the prevalent one in it; and they took three for the number of their tribes, because the power of Roma preponderated. Hence the account in the old narrative, that the thirty curies were establisht immediately after the union of the two states, is not incorrectly conceived: only it must not be referred solely to the Romans on the Palatine and to the Sabines. The third tribe was formed by the Luceres; although they were under the supremacy of Rome, and their senate was not incorporated till afterward: nor would their burghers be admitted to the comitium. Thus the Irish parliament till 1782 was dependent on what had long before become the united parliament of Great Britain.

The gradual extension of the rights of citizenship to the second and the third tribe is scarcely perceptible in the historians that remain, except in the accounts how the number of the senators was augmented: in these it may be discerned, notwithstanding the discrepancies in the details. All agree in making the senate consist at first of a hundred. Livy is the only one who says nothing of its enlargement after the peace with the Sabines: the common tradition, in accordance with a correct view of the subject, relates that it was doubled. A few writers stated that the number was only raised to a hundred and

fifty[68]: these conceived that all the three tribes were represented by fifty apiece, as in the council of Five-hundred at Athens; and that, before the federation with the Sabines, the Ramnes and Luceres were so by the original hundred. The connexion between this account and the one that Tarquinius Priscus doubled the number of senators[69], I shall explain in the proper place: it is sufficient for the present to acknowledge that, when Dionysius states the senate to have been augmented by Tarquinius from two to three hundred, this is manifestly the correct way of expressing the admission of the third tribe: whereas in the account of his having filled up the number by adding two hundred[70], it is forgotten that the elevation of the Sabines preceded that of the Luceres.

Each of these towns, even the dependent one of Lucerum, had not only a senate of its own, but its peculiar civil and ecclesiastical dignities: and these were preserved as far as was possible, when the two soverain bodies of citizens were transformed into tribes. Dionysius says, that Numa put a stop to disputes among the patricians, without taking any of their rights from the original citizens, the Albans of Romulus, by granting other honours to the new citizens, the Sabine tribe[71]. No new honours however were created on the union of the two states; but each preserved its own. The Luceres on the contrary at the time of their union were only admitted to a

[68] Dionysius, II. 47. Plutarch, Numa, c. 2.

[69] In the Section on the Six Equestrian Centuries. Those who wrote that Tullus Hostilius increast the number of the knights by ten turms, or by a third, and also that of the senate, regarded him as the founder of Lucerum; and they forgot the distinction between the separate institutions of a single city, and those of a tribe.

[70] Zonaras, VII. 8.

[71] τοὺς πατρικίους οὐδὲν μὲν ἀφελόμενος ὧν οἱ κτίσαντες τὴν πόλιν εὗροντο, τοῖς δ' ἐποίκοις ἑτέρας τινὰς ἀποδοὺς τιμάς, ἔπαυσε διαφερομένους. II. 62.

share in a few. Their offices continued to subsist among them, not however as national, but as local offices, as was the case subsequently in the municipal towns. Hence in most of the offices under the republic we find the two tribes represented, seldom the three. This relation, and the way in which the inferior houses were kept in the back ground, appears most clearly in the colleges of the priests.

Before the senate was thrown open to the third tribe, there were only four Vestals. The same king who enlarged its civil rights, added two to the number of the virgins, that each tribe might have its own[772].

According to the same principle, as Livy had been informed, there ought to have been one augur, or, if more, an equal number, for each tribe[73]: hence, as there were only four when the Ogulnian law was past, he conjectures that two places must have been vacant from deaths. But that law can never have been drawn up with reference to such an accidental diminution of the number, or have made this a ground for abridging the rights of the patricians. It is clear that only the first two tribes had augurs, two apiece, and that Tarquinius did not place the third on the same footing with them in this case, as he did in that of the Vestals. Two out of these four are said to have been instituted by Numa[74].

The pontiffs likewise continued to be four in number, that is, two apiece for the Ramnes and the Tities[75]: and

[772] Festus, v. Sex Vestae Sacerdotes: Dionysius, II. 67. Plutarch (Numa, c. 10) ascribes the last augmentation to Servius, but speaks of a previous one; from two to four. [73] X. 6.

[74] Cicero, de Re p. II. 14. The account in the same work, II. 9, that Romulus appointed three augurs, is founded on the supposition that each of the three towns had its own.

[75] According to Livy's express testimony, X. 6. Cicero indeed says, that Numa instituted five pontiffs (de Re p. II. 14): but in so doing he reckons the chief pontiff, who was not one of the major pontiffs, along with them. Had the number been five, the Ogulnian law

the preliminary ceremonies in an assembly of the populus were performed only by two flamens, along with the pontiffs and augurs[776]: although the greater flamens were three in number; so that there was one for the third estate. The fecials, the judges of international law, were twenty[77]; that is, one from every cury of the first two tribes. Thus four of them were sent on embassies, two from each tribe[78].

The same principle of placing the two tribes on an equality, and keeping the third below them, is apparent in the fraternities. The original Salian priests of Gradivus had their chapel and sanctuary on the Palatine; for they belonged to the primitive Romans. The Agonales, the priests of Pavor and Pallor, had theirs on the Quirinal: consequently they were of Sabine origin[79]. So confessedly were the Sodales Titii: they probably answered to the Fratres Arvales. Lastly even the Luperci had two colleges; the Fabii, and the Quinctilii. The former, who are said to have been the comrades of Remus, may be considered as the Sabine fraternity; more espe-

would not have added four, but five plebeians; more especially as five was the plebeian number. Including the chief pontiff, they subsequently made nine, like the augurs; being the same multiple of the number of the original tribes: hence Sylla augmented them to five times three. The minor pontiffs, whose name, when its meaning was forgotten, was transferred to the secretaries of the college, were most probably those of Lucerum.

[776] Dionysius, x. 32. *ἱεροφαντῶν τὲ παρόντων, καὶ οἰωνοσκόπων, καὶ ἱεροποιῶν δυοῖν.*

[77] Varro, 3 de vita p. R. quoted by Nonius, de doctor. ind. XII. 43. v. Fetiales. fetiales viginti qui de his rebus cognoscerent, judicarent, et constituerent (statuerunt).

[78] Varro, in the passage of Nonius last quoted: fetiales legatos res repetitum mittebant quatuor. By the way, in the same paragraph, where the edition of Mercerus has *magna licentia* bella suscipiebant, and the interpolated editions *nulla licentia*, the true reading is *magna diligentia*.

[79] This was forgotten in the tradition which attributes the institution of them to Tullus Hostilius.

cially as the Fabian house seems to have belonged to the Sabines[780]: the rivalry between the two tribes gleams through the legend[81]. It may perhaps have been the wish to deal evenly with both, that determined the number of the duumvirs who kept the Sibylline books, and that of the *duumviri perduellionis*. That of the consuls however probably rested on different grounds: it is more likely that the laws of Servius designed one of them to be a plebeian *.

Had the royal dignity been entrusted for life to two elective magistrates, it would have been ruinous to the peace of the state. When one of them died, the surviver would have found it easy to prevent the election of a successor, as Romulus is related to have done. Instead of choosing two kings, the practice was adopted of electing one alternately from the Romans and from the Quirites; as is visible in the instances of Tullus and Ancus, the former of whom was connected with the Romans through Hostus, the latter through Numa with the Quirites. Numa belongs to the earlier order of things, when the king was elected by one tribe out of the other.

The first two tribes having these decided privileges, as the whole body of the original citizens were called the patrician houses[82], the third tribe properly bore the name of the minor houses. The votes of the senators of this class were taken after those of the major houses[83]. In like manner the curies of the Luceres assuredly were not called up during a long period till after the others. Their distinguishing epithet answers to the difference in their civil rights. This was so trifling between the first two tribes, that the errour of Dionysius in applying the name

[780] See note 810.

[81] Ovid, Fast. II. 361, foll.

* See the text to note 1152.

[82] Gentes patriciae. See note 821.

[83] Cicero, de Re p. II. 20. Hence Dionysius, II. 62, from confounding the Tities with them, says, that the senators of Alban extraction created by Romulus, the Ramnes, laid claim γνώμηςἄρχειν.

of minor houses to the second, falls to the ground, as soon as it is pointed out.

A certain precedency indeed the first tribe must have maintained: and this is agreeable to the general course of history. Thus at Cologne the fifteen oldest houses always rankt above the rest. The title of the *decem primi*, of whom we hear in the Latin senate even before their great war with the Romans *, as we do afterward in all the colonies and municipal towns, according to the simplest explanation, denotes the body formed by the ten who were the first in their several decuries. In the Roman senate likewise there were ten such chiefs [784]: and these were undoubtedly the same who formed the decemvirate of interrexes, one from each decury. We also find a statement that the judicature in capital causes was confined at one time to the purest tribe [85]. Whatever may have been the exact state of the case as to this obscure point,—for that the Tities, even supposing they had no share in the capital jurisdiction over the minor houses, must have exercised one over their own members, is indisputable; and besides, as I have already noticed, there were two judges for capital causes,—at all events the account implies a tradition of the precedency of the high Ramnes [86].

* Livy, VIII. 3.

[784] Valerius Maximus, I. 1, 1: Ut decem principum filii singulis Etruriae populis traderentur. The same ten were also sent by the Romans on embassies; even to the plebeians during the secession: *οἱ ἡγούμενοι τοῦ συνεδρίου καὶ πρῶτοι τὰς γνώμας ἀποφαινόμενοι τῶν ἄλλων ἡμεῖς ἐσμέν*; the ten embassadors: Dionysius, VI. 34.

[85] *τὰ νόμιμα δικαστήρια περὶ θανάτου καὶ φυγῆς μεταφέροντες ἐκ τῆς καθαρωτάτης φυλῆς ἐπὶ τὸν ῥυπαρώτατον ὄχλον.* Dionysius, IX. 44.

[86] Celsi Ramnes. *Welcome, proud cousins*, (*stolne Vettern*,) was the address with which the members of a house greeted each other in Ditmarsh: and in the Danish ballads *proud* (*stolt*) is perpetually used as an honorable epithet for a damsel.

THE PATRICIAN HOUSES, AND THE CURIES.

The tribes in the states of antiquity were constituted in two ways; either according to the houses which composed the tribes, or to the ground they occupied. It might seem as if the two principles must have coincided, when at the settlement of a city a tribe consisting of certain houses had a whole tract of land assigned to it: this however did not form the bond of union. Dionysius, who was a diligent investigator of antiquities, makes this express distinction between the earlier Roman tribes, and those of Servius, calling the former genealogical, the latter local [787]; a distinction assuredly borrowed from older authors. Aristotle, it is true, takes no notice of the hereditary tribes, any more than Polybius: for although some such tribes must still have been subsisting in his time here and there, the notion of arranging a state according to combinations of families would no longer have occurred to any legislator.

The genealogical tribes were more ancient than the local, by which they were almost everywhere superseded. Their form in its utmost strictness was that of castes; each separated from the others, without the right of intermarrying, and with an entire difference of rank; each moreover having an exclusive unalterable calling; from which, in case of necessity, an individual might be allowed

[787] φυλαὶ γενικαὶ and τοπικαί: Dionysius, IV. 14.

to descend, but to rise was impossible[788]. In course of time the severity of these institutions relaxes, except where a divine law is given out to be their origin, until there is a complete equality among the tribes: when among themselves, like the Venetian nobility, they form a democracy, although they may rule over subjects that outnumber them many times over. According to the principle of this constitution, the houses are conceived to have existed before the state, and the state to have been composed out of these its elementary parts: nor can anybody belong to the state, unless he is a member of a house; which, under the institution of castes, can only be by legitimate descent. In the mildest form of such a government, the admission of freemen connected with the state by a community of national law is allowed: and this may be effected by the resolution of a particular house[89], or of the majority in a general assembly of the houses, or by means of definite powers vested in a particular member of a house. In solitary instances it is conceivable that even a whole house may be incorporated, that is to say, in the room of an extinct one. For the total number is fixt; and in no way can it be augmented.

The local tribes, when first establisht, are adapted to the division of a country into districts and hamlets: so that every one, who at the time when such a division was made, as for instance in the age of Clisthenes in Attica, was settled in any village as its demote, was enrolled in the phyle to the region of which the village

[788] Nevertheless if any one has the military power, he may seize on the government; as Amasis did. Thus the Mahrattas and their princes belonged to one of the lower castes.

[89] Thus an alien, who produced uninterrupted evidence of his honorable birth, lineage, life, and conversation, was adopted by the houses of Ditmarsh as a cousin, and held in no less estimation than one who was born a member of the sept: see the chronicle of Neocorus.

belonged. Ordinarily the descendants of such a person continued members of the same phyle and the same deme, without regard to the place of their residence; whereby this division likewise acquired a semblance of being regulated by descent: and had the great council been entirely closed against the admission of new citizens, and had it been impossible for a citizen to remove from the tribe of his ancestors, the local tribes would have been transformed into genealogical ones. This will appear distinctly further on, from the account of a change of this kind in modern times *. In antiquity there is no instance in which the object of keeping the state from being stifled by the bonds of hereditary privileges was thus forgotten. The connexion of a citizen with his local tribe was not indissoluble: a family might obtain a removal into another deme, though the inducements to apply for it were probably extremely rare: the number of the demes was variable: new phyles might be added to the existing ones, or these might be remodelled: and every one who received a franchise by a decree of the people, or by the law, was enrolled in a deme.

If any one engages in the presumptuous attempt of framing a distinct conception of the way in which states arose out of a foregoing order of things where no civil society existed, he is forced to mount up in thought to an age when families springing from one stock live united in a patriarchal manner into a little community. Such a community he will consider as a house: and the coalition of several of these, as the social compact, the formation of a state. Aristotle himself in an unguarded moment gave way to this illusion [790]: and Dicæarchus explicitly deduced the houses from the ramifications of a

* See the latter part of the section on the Six Equestrian Centuries.

[790] When he applies the term ὁμογάλακτας (Politic. I. 1), which is synonymous with γεννῆται (Pollux, VIII. 111), to a family descended from a common ancestor.

common pedigree, and the phratries from combinations of the houses by marriage[791].

Now Aristotle perceived more clearly than anybody has ever done since, that union in a political society is essential to human nature, and that it is impossible to conceive a man, above a mere animal, except as born and living in a state. Nor could any one be less inclined to search after imaginary beginnings of things. So that assuredly he was not thinking here of a primitive condition of humanity, but of one where the social union had been dissolved, where the germ of it however was still subsisting. The philosophers of the Lyceum had probably heard accounts of the settlements which had arisen within the memory of man in perfect freedom among the hills of Epirus, or of Ætolia: and their mistake lay only in confounding the systematic institutions enacted by legislators, with such as were the growth of nature, the prototypes which suggested those institutions. For had there not been the example of houses that had grown out of families, no one would have formed any as the elements of states: just as the changes of the moon have led to the division of the solar year into months, which nevertheless bear no reference to the moon.

In those happier times, when the Turkish empire was verging without any hindrance to its dissolution and ruin through its own barbarism and wickedness; and when the Christians under its yoke were taking advantage of the growing sluggishness, rapacity, and shortsightedness of their tyrants, to lay the foundations of freedom for their posterity, which must have been attained but that the malice of fiends has converted the noblest hopes into the agonies of despair;—in those happier times, when much that was great and excellent was surviving here and there in that unfortunate country unobserved, and thus escaped being crusht and destroyed; some bands of

[791] See Stephanus Byz. v. Πάτρα.

free-spirited men retired from various parts of Epirus to the mountains of Suli. There was formed that people, whose heroism and misfortunes have left the Messenians far behind it, and the extermination of which, through the agency of the Franks, will draw down the curses of posterity on our age, long after all the guilty have been called before the judgement-seat of God. The Suliots consisted of one and thirty houses, or *pharas*[792]. These, so far as we can gather, were actually families descended each from a common stock; varying in numbers, but each having its captain, who was its judge and leader: the captains collectively made up a senate. To complete the image of antiquity, this people was the soverain over a considerable number of villages[93]. The constitution of many a little people in ancient Greece and Italy may probably have grown up in a like simple manner. Now in ancient times if a people of this kind left its home, with its subject peasantry, and with other companions, and settling in a conquered country increast so as to become a nation, it would naturally strengthen itself by forming a union between its auxiliaries and the original houses, shaping its institutions after the example set by earlier states. When one of these sent out a colony, the leader of it modelled the new people in conformity to the institutions of the state which was regarded as its mother; dividing it into the same number of phyles, and these into as many phratries and γένεα, as were found in the parent city, according as it was a

[792] φαραῖς. It must be by a merely accidental coincidence that the Lombards likewise called an aggregate of families *Fara*.

[93] Its περίοικοι. This account, applicable beyond doubt to all the other Albanian and Romaic tribes, which were free, until Ali Pacha became master of the Venetian towns on the coast of Epirus, is contained in the beautiful ἱστορία τοῦ Σουλι by Major Perrevos; which in the hopeful times of Greece was generally read there, and must have warmed thousands of hearts. It is extracted from him by Fauriel, in the appendix to the first volume of his Greek Songs.

Dorian or Ionian one. He separated, probably in every case, his setlers from the strangers whom he incorporated, classing them according to their descent, and giving each class a phyle of its own. In this phyle he collected the several families into a determinate number of houses, however different their pedigrees, and without any regard to consanguinity: and the union thus formed was upheld by sacrifices offered up in common down to the remotest posterity. Of the rights enjoyed by these associations almost every recollection must have been lost in later times, unless, as at Athens, among a few of the eupatrids.

It is uniformly laid down by all the grammarians who explain the nature of the Attic gennetes, and among the rest by Julius Pollux,—who drew his invaluable accounts of the Athenian constitution, and the alterations it underwent, from the treatise upon it in Aristotle's *Polities*,—that, when there were four tribes, each was divided into three phratries, and that each phratry comprised thirty houses. The members of a house, or genos, who were called gennetes, or ὁμογάλακτες, were no way akin, but bore this name solely in consequence of their union[794]. This was cemented by common religious rites, inherited from their ancestors, who were distributed at the beginning into these houses[95].

[794] οἱ μετέχοντες τοῦ γένους (ἐκαλοῦντο) γενῆται (thus) καὶ ὁμογάλακτες, γένει μὲν οὐ προσήκοντες, ἐκ δὲ τῆς συνόδου οὕτω προσαγορευόμενοι. Pollux, VIII. 9. 111.

[95] οἱ ἐξ ἀρχῆς εἰς τὰ καλούμενα γένη κατανεμηθέντες. Harpocration, v. γεννῆται. An abundance of passages in point are referred to in Alberti's note on Hesychius, v. γεννῆται: to these has recently been added a scholium on the Philebus, p. 80. d. and a passage in the Rhetorical Lexicon publisht in Bekker's Anecd. I. p. 227. 9; which passage Eustathius had before him. From the words ἱερῶν συγγενικῶν γεννῆται in the latter passage, and those of Demosthenes against Eubulides, p 1319. 26: Ἀπόλλωνος πατρῴου καὶ Διὸς Ἑρκείου γεννῆται, (the accent seems to be very uncertain,) I would correct the corrupt passage, ἢ ἱερῶν ὀργίων ἢ ναῦται, in the law of Solon,

Now everything in this statement is remarkable, and pregnant; the determinate and invariable number; its peculiar character; the express contradiction to the notion of a common descent[796]; and the fact that the Athenians were distributed at the beginning into the houses.

For no one, however great his influence or wealth, who had not inherited the ennobling quality of this original citizenship from his ancestors, could be admitted into a phratry, or consequently into a genos[97]. With the tribes of Clisthenes neither the phratries nor the houses had the slightest connexion. Those tribes were divided into demes: and the gennetes of the same house might belong to different demes[98]. Foreiners too, who obtained the freedom of the city, were registered in a phyle and a deme, but not in a phratry or a genos[99]. Hence Aristophanes says more than once, as a taunting mode of designating new citizens, that they have no phrators, or only barbarous ones[800].

The number of the phratries being twelve, and that of the houses three hundred and sixty, the grammarians

1. 4. D. de collegiis (XLVII. 22), by reading ἢ ἱερῶν ὀργίων γεννῆται. At least this alteration is easier than one which in other respects might be supported by equally good grounds, ἢ ἱερῶν ὀργεῶνες, ἢ γεννῆται.

[796] Stated the most positively in the Rhetorical Lexicon mentioned in the last note.

[97] The notion is the same as that of an old Christian was formerly in Spain.

[98] See the instance of the Brytids, in the speech against Neæra, amongst those of Demosthenes, p. 1365.

[99] See the decree conferring the franchise on the Platæans, in the same speech, p. 1380.

[800] Frogs, 419: Birds, 765. I formerly censured Barthelemy for assuming, with the most express testimonies before his eyes, that each of the ten phyles contained ninety houses (Anacharsis, c. 26): but he was misled by Salmasius, whose dissertation on this subject (in his Observ. ad Jus Attic. et Roman. c. 4) is a complete failure.

were reminded, and with good reason, of the months and days in the solar year. The five for the odd days could not be introduced without occasioning an inequality which was inadmissible.

Every house bore a peculiar name, in form resembling a patronymic; as the Codrids, the Eumolpids, the Butads: which gives rise to an appearance, but a fallacious one, of their having belonged to the same family. These names might be transferred from the most distinguisht of the associated families to the rest: but it is more probable that they were adopted from the name of some hero, who was their ἐπώνυμος. Such a house was that of the Homerids in Chios; whose supposed descent from the poet was only an inference drawn from their name; whereas others pronounced that they were no way related to him [801]. What we take for a family in Greek history, was probably in many cases only a house of this kind. Nor is this system of distribution to be confined to the Ionian tribes.

Now as a number of the Greeks believed both in their own descent and in that of others, from a heroic progenitor; so at Rome the Julii deduced their origin from Iulus, the son of Æneas, the Fabii theirs from a son of Hercules, the Æmilii theirs from a son of Pythagoras. These particular pedigrees will not now find many champions. Such as are still unwilling to abandon the opinion, that a house was an aggregate of families sprung from the same root, but which for the most part were no longer able to trace their mutual connexion, are more likely to take shelter under the authority of Varro, who, in comparing the affinities of families and of words, assumes that an Æmilius had been the ancestor of all the Æmilii [2]. However

[801] Harpocration, v. Ὁμηρίδαι. We may fairly assume that a hero named Homer was revered by the Ionians at the time when Chios received its laws. See the Philological Museum, I 176.

[2] Ut ab Aemilio homines orti Aemilii ac gentiles: de l.l. VII. 2.

since he is speaking here merely by way of illustration, he would surely himself have deprecated our construing such an allusion, as if it were a historical assertion. In like manner the Greek mode of expression grew lax, and confounded the political with the natural union[803]. The notion of a house became obsolete: but what stress can be laid on this, after the testimonies adduced, which are derived from Aristotle, and which so studiously oppose themselves to such a misunderstanding?

We certainly have no similar express testimony positively denying the existence of a family affinity among the members of a Roman gens. But if a term, which would have been sufficient by itself, is wanting in a definition, especially in one which, being brought forward as a specimen, aims at absolute completeness[4], that term is thereby excluded. Had Cicero believed that the members of a gens were of a common origin[5], he would have had no trouble in giving a definition of them. As it is, he says not a syllable of this; but determines the notion by a succession of attributes, each of which adds to its precision; their bearing a common

p. 104. My attention was drawn to this passage by Salmasius, Observ. ad Jus Attic. et Rom. p. 122.

[803] Συγγενεῖς was originally synonymous with γεννῆται. It is so used by Herodotus (v. 66), by Isæus, and continually by Dionysius, although custom, which even at Athens was variable, had decided long before his day in favour of its meaning *kinsmen*. In the same way it is forgotten that the German word *Vettern* at one time did not mean *kinsmen*.

[4] Cicero, Topic. (629). This description is framed according to the circumstances of the age; and its object is to determine who was at that time entitled to such inheritances as fell to the members of a gens. Some generations earlier it would have run differently, more simply and more distinctly. But it was not Cicero's design to deduce the notion from its origin.

[5] It is only in jest that he calls Servius Tullius his *gentilis*, Tusc. Disp. I. 16: but he would never have used this playful expression, if he had believed that gentility implied affinity of blood.

name; their being descended from freemen; their being without any stain of slavery among their ancestors; and their never having incurred any legal disability, public or private. Hereby even the freed clients, though they bore the gentile name of their patrons, are expressly excluded; while the freeborn foreiners, who received that name when they acquired the Roman franchise, are recognized by the very exclusion of the clients. The Cornelii as a gens had common religious rites: but we cannot on that account assume that any original kindred existed between the Scipios and the Syllas. The Scauri were a genuine patrician family; but their names do not appear in the Fasti before the seventh century. The Ælii, being plebeians, can only be cited here as a house belonging to a municipal town. They too consisted of many families[806]: even the fabulous genealogy of the Lamii, who deduced their origin from Lamus of Formiæ, is a proof that a particular family might believe its own descent to be different from that of the other members of the house.

Now should any one still contend that no conclusion is to be drawn from the character of the Athenian gennetes to that of the Roman gentiles, he would be bound to shew how an institution, which runs through the whole ancient world, came to have a completely different character in Italy from that in Greece. *Genus* and *gens* are the same word; the one form is used for the other; *genus* for *gens*, and conversely[7].

[806] Fest. Epit. v. gens Aelia.

[7] *Genus* Fabium, and Cilnium, for *gens*, Livy, II. 46. X. 3. 5: *genus* Polyplusium, Plautus, Captiv. II. 2. 27: Romani *generis* disertissimus: *genus* armis ferox, Sallust, Fragm. Hist. I. p. 933. 936: Deum *gens*, Aenea! for *genus*, Æn. X. 228: and Virgil took this expression from a liturgical phrase. That the general notion of a gens was regarded as equivalent to that of a nation, is further shewn by Livy's saying *nomen* Fabium (II. 45), like *nomen* Latinum; and by Dion's calling the Cornelian gens τὸ τῶν Κορνηλίων φῦλον: XXXIX. 17.

That the members of a Roman gens had common sacred rites is well known: these were sacrifices appointed for stated days and places[808]. The Nautii were under the obligation of offering such to Minerva[9]; the Fabii, it may be conjectured, to Hercules or Sancus[10]; the Horatii in expiation of the fratricide committed by Horatius[11]. Such sacrifices became burthensome, as the members of the gens who were liable to them decreast in number: and the decrease was inevitable. Hence all sorts of attempts were made to get rid of the burthen, by expedients which the ancient jurists in vain laboured to obviate. The problem was, to shake it off without giving up the gentile relation, so far as any advantage accrued from it: and as the change in the state of feeling in Cicero's age rendered this feasible, the terms of his definition did not include, what in Aristotle's time would of itself have been sufficient at Rome as well as at Athens.

And unquestionably the belonging to a Roman gens, if it had its burthens, likewise conferred advantages. The right of succeeding to the property of members who died without kin and intestate, was that which lasted the longest; so long indeed as to engage the attention of the jurists, and even,—though assuredly not as anything more than a historical question,—that of Gaius, the manuscript of whose work is unfortunately illegible in this part. That no right of this kind is discernible in the writings of the Athenian orators, must be owing to the changes in every social relation,

[808] Like the sacrifice of the Fabii on the Quirinal: Livy, v. 46.

[9] Dionysius, VI. 69. Servius, on Æn. II. 166. v. 704.

[10] Because they traced their origin to Hercules. That they were Sabines, seems to follow from their chapel on the Quirinal: consequently they must have revered Semo Sancus: and Fabius may perhaps be the name which lies hid under the corrupt reading *Fabidius*, in Dionysius, II. 48. See Vol. II. note 442.

[11] Livy, I. 26. Sacrificia piacularia gentis Horatiae.

which at Athens hurried on far before those at Rome; the tide there having set in toward democracy much earlier and stronger.

For the same reason we can still less expect that those orators should make mention of the obligation which bound the gennetes to assist their indigent fellows in bearing extraordinary burthens; an obligation which at Rome lay on the members of the house, as well as on the clients[812]. This bond did not outlive the times and manners of remote antiquity. Even in Roman history we find but a single instance of it; when the clients and gentiles of Camillus pay the fine to which he had been sentenced[13]. Subsequently the custom must have become obsolete. The gentiles were certainly not called upon, except when the means of the clients were inadequate: and when the relations of clientship extended over the whole of Italy, and beyond, there was so seldom occasion to call on them, that the right itself was forgotten. Yet even so late as the second Punic war the gentiles wanted to ransom their fellows who were in captivity, and were forbidden to do so by the senate[14]. This obligation is an essential characteristic of a gens: and thus the patents of incorporation into the houses of Ditmarsh, in their amended form,—for after the Reformation the practice of forced compurgation

[812] Dionysius, II. 10. (ἐδει τους πελάτας) τῶν ἀναλωμάτων ὡς τοὺς γένει προσήκοντας μετέχειν.

[13] Exc. Dionysii, Mai. XIII. 5. That συγγενεῖς in this passage means the gentiles, is certain from the way in which Dionysius uses the terms, συγγένικα ἱερα and ὀνόματα, and συγγενικαὶ ἱερωσύναι. See Sylburg's Greek index. The συγγενεῖς of Isagoras, who offer sacrifice to the Carian Jupiter (Herodotus, v. 66), are his gennetes. These gentiles Livy probably found termed in some chronicle the *tribules* of Camillus; that is, the members of the same patrician tribe.

[14] Appian, Annibal. 28. Οὐκ ἐπέτρεψεν ἡ βουλὴ τοῖς συγγένεσι λύσασθαι τοὺς αἰχμαλωτούς. He drew his account of this war from Fabius.

was abolisht as contrary to conscience,—still contains an engagement to come forward and aid the members of the house to the utmost in raising dikes or dwellings, and under every kind of disaster. The reciprocal exercise of this noble relation could not but excite a feeling which led them to regard each other like kindred, and by degrees a belief that they were so. This assuredly was not a solitary local custom, but common to the whole German nation: only where the German tribes dwelt as conquerors, it became extinct many centuries earlier; and was retained nowhere but in my remote native province of Ditmarsh, where no lord ruled and no slave served: and if the chronicle which has preserved the patent had been lost, no trace of it would have remained.

A striking coincidence in character between the corporate houses among the Greeks and in modern times, is afforded by the fact that compurgators used to appear at Cuma in aid of members of their house. Aristotle merely mentions their coming forward on the side of the prosecutor[815]; probably from deeming this a still more barbarous custom, than the use of the same means in behalf of the defendant.

The analogous example of the Athenian houses leads us to infer that at Rome too the number of houses contained in each tribe was absolutely fixt. Dionysius says, Romulus divided the curies into decads[16]: what subdivision can we conceive this to be, except that into houses? Each cury would contain ten houses, and the three tribes three hundred. Hence the patrician tribes might be called centuries, as they are in Livy; they comprised each a hundred houses. Here we find the pervading numerical basis of the Roman divisions, three

[815] Politic. II. 8.

[16] II. 7. διῃρηντο δὲ καὶ εἰς δεκάδας αἱ φράτραι ὑπ' αὐτοῦ, καὶ ἡγέμων ἑκάστην ἑκόσμει δεκάδα, δεκουρίων προσαγορευόμενος.

multiplied into ten: and three hundred stands in the same relation to the days in the cyclical year [817], as the number of the Athenian houses to those of the solar year. Moreover it corresponds with the three hundred fathers in the senate. The reason too why the senators in the colonies and provincial towns were called decurions, was that this was the name given to the captain and burgess of each house. Before Clisthenes enacted that fifty counsellors should be sent by each tribe, every Athenian genos in the same way must doubtless have had its representative.

This numerical scale is an irrefragable proof that the Roman houses were not more ancient than the constitution, but corporations formed by a legislator in harmony with the rest of its scheme. A similar conclusion must be drawn with regard to the German houses, which in the free cities and rural cantons appear likewise in regular round numbers. In Ditmarsh beyond doubt there were formerly thirty houses [18]. At Cologne there were three classes, each containing fifteen: the first, which originally was in exclusive possession of the government, retained a superiority in rank. At Florence there were seventy-two houses; and no one can doubt that these were distributed in equal numbers among the three classes, the lords, the knights, and the freemen, which formed the tribes of the soverain people in the Italian cities: the classes at Cologne must have been of a similar nature. I have no hesitation in believing the Italian traditions, that the freedom of their cities was founded by the emperor Otho: and I conceive that he did it by collecting the Lombards, the Franks, the other Germans, and the Italians also, into houses, and by making their

[817] 300 instead of 304, as 360 instead of 365. See above, p. 27. 1.

[18] This was ingeniously proved by Heinzelmann in a short treatise on the Ditmarsh *Nemede* which appeared in 1792, the first, and hitherto the only inquiry into the ancient constitution and laws of my native province.

collective body a free corporation. Even the word *schiatta*, the appropriate term for this institution, is a mark of a low-German emperor: it is the same word with *schlacht*, the low-German form of the high-German *geschlecht*: the Lombards used *fara* instead. No more effectual method could have been devised for quelling the power of the seditious Lombard grandees: and as we find that it was quelled, there must have been an adequate cause to contend against it. The means used by Doria, whose wise legislation rescued Genoa from the feuds between the Fregosi and the Adorni, were, to break up the houses then existing, and to blend the families comprised in them together in the eight and twenty new-formed *Alberghi*, which retained the substance and name of the old houses. If this plan was devised without any precedent in the earlier annals of the city, it is one of the most brilliant inventions ever applied to the practical regulation of a free state. The establishment of houses in round numbers in the German free communities can scarcely have taken place at any other time than when the subdivisions of the cantons were settled, and when the cities were founded. I am far however from referring the first origin of the associations to that period. All that was then done, was, that an ancient and wholly immemorial institution, — which must have been common to all the German tribes, and which before the adoption of Christianity must probably have had a further essential feature of resemblance to the form of society among the Greeks and Romans, — was adapted to the existing state of circumstances, with which the old worn-out order of things was no longer in keeping.

No institution in the ancient world was more general than this of houses. Every body of citizens was divided in this manner; the Gephyræans and Salaminians as well as the Athenians, the Tusculans as well as the Romans. In each case too, when the citizens of the dependent city were incorporated into the commonalty of the ruling

city, still the houses which had subsisted among them, were not dissolved. In the constitutions of the municipal towns, which in earlier times did not undergo any change on their receiving the Roman franchise, the houses, so long as they were of any real importance, must also have retained their political character: and when this had been done away by time and circumstances, they undoubtedly continued in the unimpaired possession of their civil and religious privileges. But they were not acknowledged by the Roman state, their greater country, as bearing any political relation to her. No houses, except those which composed the three ancient tribes, were essential parts of the state. This enabled the patricians to boast that they alone had a house[819]; although there were members of plebeian houses at Rome by thousands, who possest gentile privileges in the municipal towns. On this superiority the patrician Claudii grounded their claim to the exclusive enjoyment of the gentile privilege of inheritance[20]: it matters not that the claim seems to have been unreasonable in this particular instance, where the Marcelli were asserting a right which had no connexion with the political privileges of the ancient houses.

The division into houses was so essential to the patrician order, that the appropriate ancient term to designate that order was a circumlocution, *the patrician*

[819] Vos solos gentem habere. Livy, x. 8.

[20] Cicero, de Orat. i. 39. The claim of the patrician Claudii is at variance with the definition in the Topics (c. 6), which excludes the posterity of freedmen from the character of gentiles. Probably the decision was against the Claudii; and this may have been the ground on which Cicero denied the title of gentiles to the descendants of freedmen. I conceive that in so doing he must have been much mistaken. We know from Cicero himself (de leg. ii. 22), that no bodies or ashes were allowed to be placed in the common sepulcre, unless they belonged to such as shared in the gens and its sacred rites: and several freedmen were admitted into the sepulcre of the Scipios.

gentes[21]. But the instance just mentioned shews beyond the reach of a doubt, that a gens did not consist of patricians alone. The Claudian contained the Marcelli; who were plebeians, equal to the Appii in the splendour of the honours they attained to, and incomparably more useful to the commonwealth. Such plebeian families must evidently have arisen from marriages of disparagement, contracted before there was any right of intermarriage between the orders[22]. But the Claudian house had also a very large number of insignificant persons that bore its name; such as the M. Claudius, who disputed the freedom of Virginia. Nay, according to an opinion of earlier times, as the very case in Cicero proves, it contained the freedmen and their descendants. Thus among the Gaels the clan of the Campbells was formed by the nobles and their vassals: if we apply the Roman phrase to them, the former *had* the clan, the latter only belonged to it.

The assertion that the patrons and clients made up the original Roman people, is one the validity of which is not to be questioned, except when it is carried too far. False as it is, and destructive of historical truth, if we

[21] Plebes dicitur (according to Capito) in qua *gentes* civium *patriciae* non insunt: Gellius, x. 20. Before the Licinian law, jus non erat nisi ex *patriciis gentibus* fieri consules: xvii. 21. Instead of *a patrician*, Livy says *vir patriciae gentis*, of L. Tarquitius, iii. 27; of P. Sestius, iii. 33; of M. Manlius, vi. 11. Even among the Italian Greeks in early times there is so great a probability that the terms *gentile* and *patrician* were used as equivalent, that we are certainly not justified in altering the text in Polyænus, i. 29. 2; where we read that Hiero in his war against the Italiots, ὅποτε λάβοι τινὰς αἰχμαλωτοὺς τῶν συγγενῶν ἢ πλουσίων, conciliated them by his kindness. What scribe would have substituted this word for εὐγενῶν, as has been conjectured? The πλούσιοι are the rich members of the commonalty, who did not belong to a house, but nevertheless were persons of influence in their cities.

[22] I here repeat my acknowledgement, a cherisht memento of the delightful days I once spent with Savigny, that I am indebted for this observation to him.

do not acknowledge that the plebeians were free, and overlook the nature of the commonalty; no less true is it, if applied to the period before the commonalty was formed, when all the Romans were comprised in the original tribes, each in his house. The *patronus* and *matrona* were the father and mother of the family, in relation to their children and domestics, and also to their dependents, the clients [823].

How the clientship arose, does not admit of being ascertained historically, any more than the origin of Rome. Dionysius compares the relation to that of the Thessalian bondmen, the Penests: not however that he conceived them both alike to have originated in conquest. His notion doubtless was, that Romulus separated the noble and rich out of the thousands of his new citizens, to make them patricians, and consigned the common people to their protection. According to his conception of the origin of Rome, he could not carry out that comparison, which in substance is certainly founded in truth. The same relation, which in Thessaly was rude and revolting, might at Rome be more refined, owing to a difference of manners, and to a better spirit; the condition and advantages of a ward, who had placed himself of his own accord under the protection of a patron, being transferred to the serf. A wardship of this kind existed among the Greeks in the case of a sojourner, who was bound to choose a citizen for his guardian [24], in order that he might not be an outlaw with regard to the commonest civil rights: yet the condition of the Helots and Penests never changed its hateful character. The Romans, and the citizens of such towns as stood in a federal relation to Rome, were mutually entitled to exchange their

[823] The German word *hæriger, a dependent,* from *hæren, to hear,* answers exactly to *cliens,* from *cluere.*

[24] His προστάτης. It answers to the German *Mundherr,* the *Mundiburdus,* as he was called in the Latin of the middle ages.

home for the other city, perhaps under the obligation, at all events with the right, of attaching themselves to a patron. This is the meaning of the *jus applicationis*, which we find connected with the *jus exulandi* *. Many persons who availed themselves of this right, as appears from the instances of accused Romans, were criminals, whom the state had not been able to take into custody: and this practice being viewed with an evil eye by the plebeians, in their contempt for the clients, and their hatred of the order whose power the clients upheld, hence came the legend about the asylum.

In Greece this connexion rested only on reciprocal interest, and might be given up and altered at will. It ceast as soon as the alien obtained the franchise of the city, or even the privileges of isotely. At Rome it was lasting in the case of the erarians; nay, beyond doubt it was hereditary like vassalage. That it commonly descended from one generation to another, Dionysius is aware; only he looks on this as a voluntary prolongation. Most probably he is mistaken: for with regard to towns and communities the hereditary continuance of the clientship is certain: and whatever may have been the doctrine in Cicero's days as to the relation between the descendants of freedmen and the house of their original patron, still, even if the claim of the patrician Claudii in the abovementioned case was unreasonable, the admission of freedmen into the sepulcre of a house is a proof, as I have already hinted, that the opinion which ascribed the character of gentiles to them, ought not to have been rejected.† If this be so, the duration of this connexion being unlimited, we may infer the same as to the clientship in general. In truth how should the clients have obtained the name of the gens, like those persons who were received into a house without being natives of Italy, unless they had been accounted members of it? And

* Compare Cicero, de Orat. I. 39 (177), with pro Caecina, 33 (98), 34 (100).

† See Vol. II. note 438.

why should they have been held unworthy of such an honour, when slaves, who were mostly Italian prisoners of war, stood on familiar terms with their master, as appears from the Saturnalia, and ate at his table?

Those clients, who did not gain their livelihood by trade, and had acquired no property of their own, received grants from their patrons of building-ground on their estates, together with two jugers of arable land; not as property, but as a precarious tenement, which the owner might resume if he felt himself injured. But all, however different in rank and consequence, were entitled to paternal protection from their patron. He was bound to relieve their distress, to appear for them in court, to expound the law to them, civil and pontifical. On their part the clients were to be heartily dutiful and obedient to their patron, to promote his honour, to pay his mulcts and fines, to aid him, jointly with the members of his house, in bearing burthens for the commonwealth, and defraying the charges of public offices, to contribute toward portioning his daughters, and to ransom him or any of his family who might fall into the hands of the enemy.

That great writer, Blackstone, who traced the customs and laws of ancient times even in the games of children, makes an allusion to these burthens of the Roman clientship, when describing the duties of vassals in the middle ages [825].

If a client died without heirs, his patron inherited [26]: and this law extended to the case of freedmen; the power of the patron over whom must certainly have been founded originally on the general patronal rights.

[825] Commentaries, II. 5. p. 64. The feudal aids admitted of no exemption in three cases; for ransoming the lord out of captivity; for knighting his eldest son; and for portioning his eldest daughter.

[26] On this right, the existence of which was first perceived by Connanus, see Reiz, in his Preface to Nieupoort's Ritus Romani. p. xii.

Now if P. Mænius was able to put his freedman to death for forgetting the respect due to his house[827], and this was deemed to be justifiable as well as wholesome severity; we may infer that the patron could not only sentence his client to lighter penalties, when he himself was aggrieved, but that he also sat in judgement upon him when accused by a neighbour.

There was a mutual bond between the patron and the client, that neither should bring an accusation or bear witness against the other, or give sentence in court against him, or in favour of his enemies. This looks like a mitigated form of the old law of compurgation. The duties of the patron toward his client were more sacred than those toward his own kin[28]. Whoever trespast against his clients, was guilty of treason, and devoted to the infernal gods, that is to say, outlawed, so that any one might kill him with impunity. It is most probable that the pontiff, as the vicegerent of heaven, to which the cry of the injured party was raised, devoted the head of the offender. To bring a charge before a civil tribunal was impossible: such an interference would have perverted and destroyed the whole relation; which could not exist at all, without the liability of being abused. This abuse however must have been threatened with fearful punishment. For to imagine that the patricians, who in their dealings with the plebeians neither respected equity nor compacts ratified by oaths, should have been led by obligations which were merely conscientious, to treat their clients with a paternal kindness, such as many fathers do not shew to their own children, would be a silly dream of a golden age, which never existed. They were no better than the knights of the middle ages, whose virtues have been

[827] Valerius Maximus, VI. 1. 4.

[28] Gellius, V. 13. XX. 1. The classical passage on the patronship is the well-known one in Dionysius, II. 9, 10.

extolled by ignorance and falsehood; they who are charged by a respectable contemporary with robbing the soccager of his substance, as though he were a bondman, because they could do it with impunity, since God was the only judge between them and the poor. As if they ought not to have treated the bondman also with kindness!

Among the privileges which the Ramnes are said to have claimed to the exclusion of the other patricians, according to a narrative which assuredly represents their relation to the Luceres, one was that of receiving strangers as clients[829]. Still less then would they allow this right to the plebeians. Yet when distinguisht men rose up in the latter order, who could afford protection and redress, and grant plots of ground to be held at will, clients attacht themselves to these as well as to the patricians. Until the plebeians obtained a share in the consulship, and in the usufruct of the domains, free foreiners, with few exceptions, must have applied to the first order; in which however there may have been many persons with scarcely a single client: and so long *patron* and *patrician* were coextensive terms.

Perhaps they were also synonymous: for the notion that the *patres* were so called from their paternal care in assigning plots of arable land to the poor, as if they had been their own children[30], is quite in accord with the spirit of ancient times; although perhaps even this explanation is too artificial. The name may possibly have been only a simple title of honour used in addressing the ancient citizens, whether in the senate or the assembly of the curies[31]. It is by no means confined to

[829] Dionysius, II. 62: *θεραπεύεσθαι πρὸς τῶν ἐπηλύδων.*

[30] Patres senatores ideo appellati sunt, quia agrorum partes attribuebant tenuioribus, perinde ac liberis propriis. Fest. Epit. completed by the help of the fragment.

[31] In the solemn lines, Dum domus Aeneae Capitoli immobile saxum Accolet, imperiumque pater Romanus habebit, the words

the senators: on the contrary the *patres* are mentioned even by Livy along with the senate: and wherever he speaks of the *younger patres*[832], he conceives that they stand in opposition to the senate. By the usage of later times indeed the word was gradually restricted more and more to the senators: even those writers who do not entirely exclude the wider meaning, and who themselves

pater Romanus designate a Roman citizen, in the language of very early times. Hence also *pater familias*, which none but a citizen could be.

[832] The *seniores* and *juniores patrum* are often placed in opposition in Livy, from the beginning of the plebeian disturbances till after the decemvirate; the former being inclined to conciliatory measures, the latter more obstinate and violent. Several times, as well during the first disturbances, as in the affair of Cæso Quinctius, we find a like statement on the same occasions in Dionysius, whence it is clear that they both met with it in the Annals. Both of them supposed these *patres* to be senators, differing in temper according to their ages: but they must certainly have been mistaken. The dry old Annals can never have indulged in such delineations of character: but they may have related from traditions, that the general assembly of the curies had often shewn itself more headstrong than the senate, which had the charge of the daily administration, and could not, like the former, reject a measure without incurring any responsibility. In the senate there were only the seniors, men who had past the age of military service: all the juniors sat in the curies. So indeed did those seniors who had no seats in the senate: but their number was small, and the name of the assembly was not determined by them. The following instance is the most decisive: L. Furius and C. Manlius, when accused, *circumeunt sordidati non plebem magis quam juniores patrum:* II. 54. This can never mean a mere part of the senate: it is inconceivable that the accused should have neglected those very senators whose age and authority were the greatest. Compare also II. 28, III. 14, 15, 65. The meaning that Livy assigned to the phrase is the less dubious, since in II. 28 he even talks of *minimus quisque natu patrum*. However the most probable supposition is, that both the historians, being misled by their immediate predecessors, misunderstood who in all these passages were the *minores*, spoken of in the ancient books: for that word was certainly used also to signify young men: as *majores audire, minori dicere*. Compare note 1143.

fluctuate in their practice, are still always inclined to interpret their authorities in the narrower.

Julius Cæsar and Augustus raised certain families to the patriciate; because so many of the houses had become extinct, or had been merged among the lower orders from their poverty, or had voluntarily past over to the commonalty, that there were no longer persons enough to fill the priestly offices according to ancient usage. Now the fifty families which were then still remaining[833], were certainly an old nobility in every respect: and since those rulers mixt them up with the most illustrious families among the plebeian nobless, both Dionysius and Livy were hereby prepared to consider the patriciate as a nobility from the first. Two centuries earlier Cincius, whose weight as an authority I have already noticed, had come to a totally different conclusion; namely, that anciently all freeborn citizens were called patricians[34]. This is to be referred to the time anterior to the rise of the plebs: even then however the number of freeborn men among the clients must have been considerable. What is strictly accurate in the comparison, seems to be,—and perhaps it was so exprest by Cincius, whose meaning we have to collect from the abridgement of an abridgement,—that the patricians of old stood in the same relation to the rest of the Romans, their clients, as the tribes of the *ingenui* did in his days to those of the *libertini*. They were the true citizens; just as in Germany, even in the thirteenth century, a member of a house and a burgher were equivalent terms: and so we need not have any scruples excited in us by the want of a class to occupy a middle station between them and their dependents. Nor are we to hesitate at finding that there were three hundred houses,

[833] Dionysius, I. 85.

[34] Fest. Epit. v. Patricios. It does not follow from this passage that Cincius mistook the nature of the termination, and fancied he saw *ciere* in it.

which would be an incredible number for the nobility of a small state: nor is it any objection to this number, that the patrician gentile names which we meet with, that is, in the Fasti, are very much fewer. For even supposing, what must have been far from the truth, that, when the Tarquins were banisht, the complement of the houses was full, the consulate was unquestionably open but to a small portion of them, although every one was eligible to it. In all aristocracies a few families alone are illustrious and powerful: an incomparably greater number continue needy and obscure, or become so: such was the case at Venice. The latter die off unobserved; or they lose themselves among the common people, like the nobility in Ditmarsh and Norway. Some of the Roman families also renounced their patriciate of their own accord, and went over to the plebs[335]. In other cases the same effect followed from marriages of disparagement, before the right of intermarriage between the two orders was establisht by the Canuleian law. Among the patrician houses of this kind, which never occur in the Fasti, are the gens Racilia and Tarquitia[36]: so are the Vitellii: and since the names of the older plebeian tribes resemble the gentile names in form, and in several instances are common to them with patrician houses, it is exceedingly probable that there was a gens Camilia, Cluentia, Galeria, Lemonia, Pupinia, Voltinia[37].

[335] This was the *transitio ad plebem:* with regard to which it is true that in later times a number of fables were invented by plebeian vanity: and accordingly this must certainly be the right reading, instead of a *plebe transitiones*, in Cicero, Brut. 16. The instance of L. Minucius is given by Livy, IV. 16, and by Pliny, XVIII. 4.

[36] The great Cincinnatus was married to a Racilia before the Canuleian law: L. Tarquitius was master of the horse during his dictatorship.

[37] The Vestal virgins in ancient times were patricians no less certainly than the priests. But the names ascribed to those who are

If *patres*, and its derivative *patricii*, were titles of honour for individuals, the name of the whole class, as distinguisht from the rest of the nation, appears to have been *Celeres*. That this was the name of the knights, is recorded: as it is also, — which indeed is clear from the nature of all the constitutions of antiquity, — that the tribes of Romulus had tribunes[838]: and since the tribunate of the Celeres is said to have been a magistracy and a priesthood, it is palpably absurd to regard it as the captaincy of a body-guard. If the kings had any such guard, it must assuredly have been formed out of the numerous clients who must have been quartered on their demesnes. The tribunes of all the three tribes were certainly at once leaders in the field, and magistrates and priests in the city; just as a curion, in his character of centurion, which moreover was his name in the army, was captain over a hundred in the Romulian legion[39]. But among the three tribunes the one of the principal tribe must have enjoyed peculiar distinctions: and hence we only find mention of one[40].

Cicero speaks of it as a symptom of the anarchy and lawlessness prevalent in the Greek states of his time, that measures were carried by masses; by the aggregate number of heads, and not by the votes of the several orders. The subjects however then open to their deliberation were so trifling, that it was nearly indifferent in what manner they were decided upon. In earlier times it was a principle in every legislation, whether the form of government was aristocratical or democratical, that the weight of any individual's vote, and his liabilities, more

mentioned, such as Verenia, Canuleia, Opimia, Orbinia, are too slippery ground to build on.

[838] For the former point see Pliny, XXXIII. 9; for the latter Dionysius, II. 7; Pomponius, 1. 2. § 20. D. 1. 2. de orig. jur.

[39] Paternus, quoted by Lydus, de Magistr. 1. 9.

[40] Dionysius however is an exception to this: in II. 64 he speaks of the *tribuni Celerum*, like the other priests, as a college.

especially to military service, should be proportioned to the number, not of the whole community, but of the corporation he belonged to. Thus every precaution was taken to prevent the mob's turning the scale: and the more numerous a man's corporation was in comparison with the rest, the lighter were his burthens, and the less important his vote. The same principle prevailed in the constitutions of the middle ages, founded on houses and guilds. Now in the earliest times of Rome the question was, whether the tribes or the curies were to be the units, in taking the votes of the whole body. But if the tribes had differed in opinion, when only two of them possest the right of voting, they would have stood in direct opposition to each other in a manner dangerous to the public peace: and after the third order was added to them, it would have felt itself placed on an inferior footing, had both the higher orders given their votes against it. When the question was to do away antiquated but still burthensome privileges, the third class might be unanimous in its determination; and four tenths in each of the first two tribes might agree with it: all would be in vain. This was obviated by taking the votes according to curies: and the remedy was complete, when these were no longer called up in a stated order, so that the major houses should take precedence of the Luceres, but in one settled by lot. This however was probably a later innovation.

Now as there is no doubt that the families sprung from marriages of disparagement, and the clients, shared in the sacred rites of the curies[841]; one might think it

[841] If we suppose that, among the many patrician houses which became extinct, there was a gens Scribonia, of which only a plebeian family remained, it becomes less surprising that, when the plebeian nobility had far outstript the patrician, and a great many plebeians, from causes which will be explained further on, had been admitted to a share in the religious worship of the curies, a Scribonius was made *curio maximus*.

probable that both those classes would likewise take part with the patricians in their comitia. The notion that foreiners were admitted to the franchise of the curies, in the same way as they were afterward to that of the centuries, does not now need to be refuted.

When we consider the principle of the institution, it is scarcely conceivable, that the votes taken in the curies should have been those of the individual members, not those of the houses which were their component units: and that the latter was the way of voting, seems to be expressly attested by an ancient author[842]. If this was so, it may have been nearly indifferent to the patricians on the whole, so long as the old state of things continued substantially the same, whether the inferior members of their houses voted with them or not: for the clients were not at liberty to vote against their patrons. Hence the only effect would have been, that in each gens men of influence would have exercised a preponderance proportionate to the number of their clients, over those who could confer no protection. Families springing from marriages of disparagement can only rise up by degrees.

But though it would not have been irreconcilable with the interests of the order, to admit such votes under such circumstances, it would have been diametrically opposed to the spirit of an aristocracy. For this, as was the case at Venice, requires an equality within its own body between the poorest and the richest noble, and an absolute inequality between every noble and every plebeian. To such a body it must have been worse than offensive, had the vote of L. Tarquitius told for no more

[842] Lælius Felix, quoted by Gellius, xv. 27. Cum ex *generibus hominum* suffragium feratur, curiata comitia esse. Here too *genus* is equivalent to *gens*: see note 807. It does not matter as to the main point, that *hominum* must certainly be a wrong word: the mistake too is one for which Gellius can hardly be answerable: his text is still in want of an able critic.

than that of a client under one of his rich gentiles. And the abovementioned supposition becomes utterly inadmissible, when we consider the changes that time must needs have made. The example of all ages and countries teaches us, that, so long as purity of lineage was insisted upon, the patrician families in the houses must have been rapidly decreasing. If the newly risen plebeian families and the clients had voted in a house, they would have retained its vote, even when there was not a single patrician to be found in it: and among the three hundred many must have been reduced to this state in a few generations[843]: so that the patricians would have been unable to maintain their preponderance even in their own comitia. Still more unfavorable to them would have been the result of voting in the curies by poll.

The houses in their political character being essentially patrician, the definition of Lælius just referred to, though it may not be an absolute proof that none but patricians appeared in the comitia of the curies, certainly establishes the correctness of the opinion, that they formed the main part of those assemblies. Moreover a further statement of the same Lælius, founded on Labeo, related that the comitia of the curies were convoked by a lictor, those of the centuries by a hornblower[44]; while Dionysius says that the patricians were summoned by name by a messenger, the people by the blowing of a horn[45]. Thus

[843] That this would unavoidably be the case, will be clear to every one acquainted with the history of the provincial nobility, wherever proofs of pedigree are required.

[44] In Gellius, xv. 27: Curiata comitia per lictorem curiatum calari, id est convocari; centuriata per cornicinem. Thus far the latter as well as the former were *calata*, convoked: and as a patrician absolved himself from his gens by the *detestatio sacrorum*, and disposed of his property by will in the presence of the populus, so a plebeian did the same before the *exercitus*. But the account given by Gellius is confused.

[45] Dionysius, II. 8: *τοὺς μὲν πατρικίους ὅπουτε δόξειε τοῖς*

we find that Labeo and Dionysius agree unequivocally in designating the curies as the assembly of the patricians. The same identity appears, on comparing Livy's account, that Tarquinius Priscus assigned places for seats round the circus to the *patres* and the knights, with that of Dionysius, who says he assigned them to the curies [846].

In order however to give a complete and decisive proof of this important proposition, I will here anticipate a topic, the proper place for which lies somewhat further on, where I shall be obliged to recur to it.

The most important piece of information on the Roman constitution contained in the newly discovered fragments of Cicero's books on the Republic, is, that, after the kings had been elected by the curies, they had still to apply to the same curies for the *imperium*, the refusal of which would have voided their election [47]. Cicero had the means of knowing this from the books of the pontiffs and augurs: and extraordinary as it may sound, that the same assembly had to decide twice over, and could annull its own election by the second decision, he distinctly asserts that such was the case. Nor was the assertion superfluous even in his time: for Dionysius and Livy both assume that the assemblies must have been two different ones, as was the case after the time of Servius Tullius. The electing assembly

βασιλεῦσι συγκαλεῖν, οἱ κήρυκες ἐξ ὀνόματός τε καὶ πατρόθεν ἀνηγόρευον· τοὺς δὲ δημοτικοὺς ὑπηρέται τινὲς, ἀθρόοι κέρασι βοείοις ἐμβυκανῶντες, ἐπὶ τὰς ἐκκλησίας συνῆγον. The mention of the kings here only means that the practice belonged to times long past: and the comitia of the curies became extinct soon after the middle of the fifth century.

[846] See note 893.

[47] De Re p. II. 13: (Numa) quamquam populus curiatis eum comitiis regem esse jusserat, tamen ipse de suo imperio curiatam legem tulit. 17: Tullum Hostilium populus regem comitiis curiatis creavit, isque de imperio suo—populum consuluit curiatim. 18: Rex a populo est Ancus Martius constitutus; idemque de imperio suo legem curiatam tulit. 20: Rex est creatus L. Tarquinius—isque ut de suo imperio legem tulit, &c. Also of Ser. Tullius: 21: populum de se ipso consuluit, legem de imperio suo curiatam tulit.

is taken by both to be the people: the confirmative one is called by the former the patricians, by the latter the *patres*[848]. By this term he probably meant the senate; which was necessarily a party to every decree of the curies: though possibly in this place also he may have had the patricians in view, at least indistinctly, as he had elsewhere more frequently than such a sense is ascribed to him. At all events every reader will see, without need of many words to prove it, that what Cicero calls the *lex curiata de imperio*, is precisely the same thing as the *auctoritas patrum* in Livy, and the confirmation by the patricians in Dionysius.

And thus it is now further clear that the *auctoritas patrum*, which till the passing of the Mænian law was indispensable to the validity of elections, was nothing else than the *lex curiata de imperio*, which even the dictators were forced to obtain. But those *patres* were the patricians: they are called so most distinctly[49]. History

[848] Dionysius, II. 60: τῶν πατρικίων ἐπικυρωσάντων τὰ δόξαντα τῷ πλήθει. Livy, I. 17: decreverunt, ut, cum populus regem jussisset, id sic ratum esset, si patres auctores fierent. In this form Numa's election is conducted. 22: Tullum — regem populus jussit, patres auctores facti. 32: Ancum Martium regem populus creavit, patres fuerunt auctores. 41: Servius injussu populi, voluntate patrum regnavit.

[49] Livy, VI. 42, when L. Sextius was elected consul: ne is quidem finis certaminum fuit. Quia *patricii* se *auctores* futuros negabant, prope secessionem plebis — res venit, etc. Sallust, in the speech of C. Licinius Macer, p. 972: Virilia illa quo — libera ab *auctoribus patriciis* suffragia majores vestri paravere. Here Sallust must certainly have been making use of a speech actually composed by the learned antiquary Macer. Dionysius writes with regard to a transaction substantially the same, in one place, VI. 90, τοὺς πατρικίους πείσαντες ἐπικυρῶσαι τὴν ἀρχὴν ψῆφον ἐπενέγκαντας, — in another, X. 4, αἱ φράτραι τὴν ψῆφον ἀπυφέρουσιν: to which I shall advert again when I come to the institution of the tribunes of the people: see note 1363. Here we catch a glimpse of some Roman writer; I would wager, of the same Macer: for Dionysius himself had no clew in this labyrinth. Of the patricians too in the strictest sense it is

cannot supply a more conclusive proof, for the identity between the comitia of the curies and the assembly of the patricians.

said in the Declamation pro Domo, 14 (38), that, should they become extinct, the republic would be in want of Flamens, Salii, and so on, and of the *auctores centuriatorum et curiatorum comitiorum*. Here the half-informed rhetorician betrays himself. He had probably read the passages just quoted from Cicero's books on the Republic (see note 847): and he did not reflect that in Cicero's days there were no other curiate comitia than the mere formal assemblies for confirming elections.

THE SENATE, THE INTERREXES, AND THE KINGS.

THE contemporaries of Camillus, though they had a firm belief in the legends about Romulus, would have laught at any one who, like the most intelligent men three centuries after, had represented the institution of the senate as a politic measure emanating from the free will of the founder of the city. In all the cities belonging to civilized nations on the coasts of the Mediterranean, a senate was no less essential and indispensable a part of the state than a popular assembly: it was a select body of the elder citizens. Such a council, says Aristotle, is found everywhere, whether the constitution be aristocratical or democratical: even in oligarchies, however few the sharers in the soverainty, certain counsellors are appointed for preparing public measures [850].

That the Roman senate, like the Athenian one establisht by Clisthenes, corresponded to the tribes, has already been explained. But we may go further, and affirm without hesitation, that originally, when the number of houses was complete, they were represented immediately by the senate, the number of which was proportionate to theirs. The three hundred senators answered to the three hundred houses, which was assumed above on good grounds to be the number of them. Each gens sent its decurion, who was its alderman, and the president of its by-meetings, to represent it in the senate.

[850] πρόβουλοι, *procuratori*. Aristotle, Polit. IV. 15.

The Spartan γέροντες were eight and twenty, a singular number: but since the two kings made up thirty, it may be explained according to the same hypothesis. There were thirty houses represented[851], the Agiads and Eurypontids by the kings: these names, when the descent of the two houses from twins had become an article of popular belief, were derived from certain alleged descendants of those mythical brothers[852].

That the senate should be appointed by the kings at their discretion, can never have been the original institution. Even Dionysius supposes that there was an election. His notion of it however is quite untenable: the deputies must have been chosen, at least originally, by the houses, not by the curies.

The senate was divided into decuries: each of these corresponded to a cury. When the state was without

[851] These thirty senators corresponded to the number of days in a month. In the Roman number of three hundred there is a reference to the days in the ten months of the cyclic year; in that of the Attic houses, to those in the solar year of twelve months: see note 817. The numbers in the political institutions of antiquity were never arbitrary: when we find an unusual one, we are with reason curious to make out its meaning. It is from a like reference that I would explain the singular number of the council of One Hundred and Four at Carthage (Aristotle, Polit. II. 11). This is twice the number of the weeks in a year. Such a distribution of time, wholly independent of the celebration of the sabbath, would seem to have been common to the Phenicians with their neighbours, and to have been the basis of a political division, as the months were among the Greeks and Romans. In no nation is such a scheme more probable, than in that which raised altars to the Year, and the Month, and paid divine honours to them, as to other abstractions. This is related of the inhabitants of Gades by Eustathius, on Dionysius Periegetes, v. 453, from Ælian.

[852] The two royal houses were not quite equal: οἰκίης ἐὼν τῆς ὑποδεεστέρης, says Herodotus, VI. 51, of Demaratus: and perhaps the tribes of houses never were so at first. The three Argive royal houses in mythical story,—that of Anaxagoras, of Bias, and of Amythaon,—were invented in order that in like manner they might stand for the three tribes.

a king, ten senators presided over it during the interreign. The mode of proceeding on such occasions is another point as to which the accounts in our historians are contradictory: and no wonder; for no such magistrate had then existed within the last three centuries[853]. According to Livy, when there were but a hundred senators, one was nominated from each decury. These together formed a board of ten, each of whom enjoyed the regal power and its badges as interrex for five days: if no king was created at the expiration of fifty days, the rotation began anew. Dionysius on the other hand states, that the two hundred *patres*, of whom the senate was composed at the death of Romulus, were divided into twenty decuries, and that one of these was chosen by lot as the interregal board; and, when their time had expired, another. Plutarch finally, taking the number of senators at a hundred and fifty, says nothing of any decuries, but relates that the royal power went round from the first to the last, so as not to remain more than half a day and half a night with each: and then, if the people still continued without a king, the rotation commenced anew[54]. This last account falls with the hollow basis on which it rests, the number he assigns to the senate: and Dionysius was thinking of the Attic prytanies, and assumed that all the senators must have stood on an equality. In Livy's statement there is a reference to the superiority of the Ramnes; and we find the *decem primi*, the ten, each of whom was the first in his decury[55]: we need not hesitate to decide in its favour.

[853] There was, to be sure, an interreign in the year 701: but all proceedings at that time were arbitrary and lawless.

[54] Livy, I. 17. Dionysius, II. 57. Plutarch, Numa, c. 2.

[55] The expression of Dionysius, τοῖς λαχοῦσι δέκα πρώτοις ἀπέδωκαν ἄρχειν, shews that he found the phrase *decem primi* in the Annals. Unless he had meant to indicate this, he would have written τοῖς πρώτοις λαχοῦσι δέκα.

The senate, — so long as the right of election was exercised by one tribe alone, the decuries of that tribe, — agreed among themselves on the person to be proposed by the interrex to the curies; whose power was confined to accepting or rejecting him. It was a *rogation*, as in the case of a law; hence the interrex is said *rogare regem*, to put his acceptance to the vote. This is the way the creation of Numa and Ancus is related. As to Servius Tullius, he is said to have usurpt the throne without a previous election by the senate[856]. Afterward the same system continued for a considerable time in the consular elections: and so did the use of the word *rogare*.

When the king had been accepted, his inauguration took place, in order to give him the immediate sanction of the gods: and there may perhaps have been a time of honest credulity when adverse auguries would have been a ground for proceeding to a new election. Even this however was not sufficient to give the new king the full power, the *imperium*. It was necessary that he should be invested with it by a specific law, which he himself proposed, and the rejection of which would have compelled him to resign his office. The origin of this practice seems to have been, that in very ancient times, though the Quirites were to hold the office in turn, the election rested with the Ramnes; after which

[856] Dionysius, II. 58. *προυχειρίσαντο* (*οἱ πρεσβύτεροι βουλευταὶ*) — *Νομᾶν· ὡς δὲ τοῦτ' ἔδοξεν αὐτοῖς, συγκαλοῦσι τὸ πλῆθος εἰς ἐκκλησίαν καὶ παρελθὼν ἐξ αὐτῶν ὁ τότε μεσοβασιλεὺς κ. τ. λ.* III. 36. *ἡ μεσοβασίλειος ἀρχὴ αἱρεῖται βασιλέα Ἄγκον· ἐπικυρώσαντος δὲ τοῦ δήμου τὰ δόξαντα τῇ βουλῇ κ. τ. λ.* IV. 8. *οὐκ ἀξιοῦντες* (*τὸν Τύλλιον*) *ἑαυτῷ μηχανήσασθαι βασιλικὴν ἐξουσίαν, μήτε βουλῆς ψηφισαμένης, μήτε τῶν ἄλλων τῶν κατὰ νόμον ἐπιτελεσθέντων.* In the subsequent part of the account of Numa's election, which I have not transcribed, it looks as if the interrex proposed the candidate for the kingship of his own authority. But this semblance is dispelled by the way in which the election of Ancus is represented. Dionysius however may have exprest himself carelessly.

however it was requisite that the person elected should be approved of by the other order: and this was done by the curies of the two tribes conferring the *imperium*. On the elevation of the third tribe, it was in like manner fair that its curies should be summoned to express their acceptance, when the election had been completed by the other two. An institution of this sort will outlive the causes that produced it: one is disposed however to seek for reasons why it was maintained, when the election was carried on by all the curies conjointly. It may either have been that the person nominated had, like the Greek magistrates, to undergo a scrutiny, and prove that there was nothing rendering him unable or unworthy to enter upon his office: and the examiners were to make their report on the subject to the curies [857]: or the delegation of so great a power was deemed by free men a measure so grave and hazardous, they reserved themselves the power of deliberating upon it twice over. The latter was Cicero's view, even with regard to the annual and limited magistracies [58]. As the curies however could not vote on any matter which was not brought before them by a decree of the senate, there must have been such a decree in this case also: and if we suppose that the first choice was made originally by a part of the senate, there would be the same ground for this second decree as for taking the opinion of the curies. When these had ceast to exist, except as a mere name, the senate still retained the power of refusing its assent. Owing to this it was compelled to express its acceptance previously

[857] This would be the province of the pontiffs; because the kings had so important a share in the divine service: and the preliminary scrutiny, the *δοκιμασία*, could certainly belong to none but those who *τὰς ἀρχὰς ἁπάσας ὅσαις θυσία τις ἢ θεραπεία θεῶν ἀνάκειται, καὶ τοὺς ἱερεῖς ἅπαντας ἐξετάζουσιν.* Dionysius, II. 73. Moreover they presided in the comitia of the curies.

[58] de l. agr. II. 11. (26.)

to the matter's being proposed to the people: and the continuance of this formality misled Livy into supposing that the *patres*, who had to give their assent in the earliest ages, were the senate.

The law of the curies invested the king with all the power he needed as head of the state and of the army, and with authority to hold courts, and to appoint judges[859]. The extent of this prerogative cannot possibly be defined. Thus much however may be considered certain; that the celebrated *lex regia* concerning the emperors, which has been the subject of so much controversy, was the very law which granted the *imperium* to the kings; though with alterations, as well as additions. A law proposed by a king was a *lex regia;* not so one conferring regal power on those who were not kings. The table concerning the *imperium* of Vespasian is a law, not a decree of the senate[60]: although under the emperors any comitia but mere shadows, like those of the curies, are out of the question. It must have been in the Papirian code that the formulary, by which the *imperium* was granted to the kings, was preserved.

The kingly office at Rome in its power, privileges, and restrictions, resembled that of the heroic ages in Greece; differing from it in being a magistracy granted only for life. The king had the absolute command of the army, and was the priest who offered sacrifices for the nation. When he was in the city, he must have

[859] *Judicia, quae imperio continebantur;* which in those days cannot possibly have been defined.

[60] Since this was written, I have found that this law had already been recognized by Ernesti to be the *lex curiata de imperio:* Excurs. II. in Oberlin's Tacitus, vol. II. 865. His scruples about its genuineness would have vanisht at the first sight of the original; or if he had been aware that it was already known in the time of the glossographers, and regarded as one of the twelve tables. Owing to this it was carried to the Lateran, as a relic of ancient Rome.

been the only person entitled to convoke the senate and the people, and to lay measures before them. But laws, and questions of war and peace, were determined upon by the citizens[861]; although there could be no precise limits to the power of a successful and popular prince. He had the right of punishing the disobedient with corporal penalties and fines. An appeal however lay from such sentences to the assembly of the citizens[62]; a privilege which we cannot conceive to have been enjoyed by any but the patricians. Every ninth day the king held his court[63]. To his tribunal belonged the adjudication of property and persons, the protection of legal possession; in a word, everything subsequently included in the jurisdiction of the pretor, even the assigning a judge. If he chose however to decide causes in person, he might do so. His power over residents within the pale *, and over all who did not belong to the houses of the citizens, had no bounds, any more than that of a dictator. Booty and land acquired in war were at his absolute disposal, so far as the claims of the citizens to the usufruct did not stand in his way. A part of the conquered territory fell to the share of the crown; which had extensive demesnes attacht to it, cultivated by its vassals[64], and supplying

[861] Dionysius, II. 14. VI. 66.

[62] Provocationem etiam a regibus fuisse declarant pontificii libri, significant nostri etiam augurales: Cicero, de Re p. II. 31. See below, note 1176.

[63] Macrobius, I. 15. Tusci nono quoque die regem suum salutabant, et de propriis negotiis consulebant. The feelings, which the recollection of this usage kept alive, probably occasioned the separating the nones and the nundines (Macrobius, I. 13); not the fabulous cause assigned for it. See notes 721, 910.

* See the text to note 961.

[64] Agri, arvi et arbusti et pascui, lati atque uberes, definiebantur, qui essent regii, colerenturque sine regum opera atque labore: Cicero, de Re p. IV. 2.

it with riches, and with a devoted train. Over the administration of the pontifical law the king did not preside. The independence of the augurs is apparent in the legend of Attus Navius: that of the pontiffs is quite as unquestionable.

TULLUS HOSTILIUS AND ANCUS.

It was from the books of the pontiffs and augurs, that Livy took the formularies for the solemn proceedings of Roman public law; formularies which, after prevailing for many ages, had in his day long been obsolete, and the origin of which was traced back to the kings. It is certain that from this source he derived the formulary used in trials for treason, containing the evidence for the existence of that appeal to the people of which Cicero found mention in the pontifical and augural books[865]: nor is it more doubtful with regard to those used in consecrating a king, in the proceedings of a *pater patratus* at a treaty, in those of the fecials, and at the surrender of a city. A conjecture about the nature and character of these books may be hazarded, without presumptuously prying into what fate has forbidden us to know. We can only conceive them to have been collections of traditions, decisions, and decrees, laying down principles of law by reporting particular cases[66]. Thus fragments of old poems might be contained in them, such as the law of treason from the lay of the Horatii.

The narrative of the times of the kings Livy, guided by his poetical feeling, drew mainly from Ennius. This seems to be proved by his assuming the same period

[865] See notes 687 and 862.

[66] As was done in the eastern collections of traditions, and even in the Pentateuch: see Numb. xxxvi.

for the duration of Alba, which is presupposed by the chronology of the ancient poet[807]: and surely it cannot have been by mere chance, that the words in which Cocles invokes the god Tiber should be so nearly the same in the two accounts[68]. He could not have selected more judiciously: and so long as the history of Rome shall be written, the author in this part has no choice but to translate Livy; or, if his work, like mine, will not admit of such details, to give a simple outline of poems, with which we may happily presume every one to be familiar in Livy's excellent representation.

A person who looks for historical truth, and consequently for connexion, in the story of the first century of Rome, must find it wholly incomprehensible that Alba should disappear altogether the moment the city is founded. The tradition neither tells us of any aid sent by the mother city during the danger that threatened Rome: nor does it explain how, when the race of Æneas became extinct with Numitor, Romulus was excluded from their throne. Both what is said, and what is not said on this point tends to establish the nature of those accounts, which are given us for historical. Alba and Roma were entirely strangers to each other. In the legend which relates the fall of the former, it is not the Silvii who rule there, but C. Cluilius or Fuffetius, as dictator, or pretor.

Mutual acts of violence had been committed by the citizens of the two cities; and it fell out that both of them sent embassies to demand satisfaction at the same time. To render the Albans responsible for having unjustly refused to make atonement, the Roman king detained their embassadors by festivals and banquets, declining to introduce them into the senate; until the

[807] See pp. 205 and 270.

[68] Tiberine pater, te sancte precor, haec arma et hunc militem propitio flumine accipias: Livy, II. 10. Teque, pater Tiberine, tuo cum flumine sancto: Ennius, p. 41.

Albans had refused to deliver up the offenders to the Roman envoys, and these had thereupon declared war against Alba[869]. The armies of the two cities were drawn up against each other on the Fossa Cluilia; where it crost the Latin way, and the boundary of the Roman territory[70]. The princes came to an agreement to avert the battle by a combat. There were in each army three brothers, of the same age, the Horatii and the Curiatii: their mothers were sisters, and had both brought their sons into the world at a birth[71]. The ancient

[869] Bellum in trigesimum diem indixerant, says Livy. According to the fecial law however it was the practice, after the lapse of three respites, each of ten days, (or likewise after thirty-three days,) to declare, that it was now time for the elders at home to take counsel, whether they should avenge their wrong by war: and such assuredly was the account the ancient poet gave in this place. No doubt the change had been made long before Livy's time by the annalist he followed, though the number was not altogether abandoned: and certainly it was startling, that thirty days should elapse, and yet the Albans at Rome not hear of the demand made in their city by the fecials. However what need had the poet of calculating the actual distance? He had the right of enlarging it, as much as served his purpose: just as Herodotus and Xenophon on the contrary speak of the Medes and Persians as if their country were not more extensive than that of a small Greek people, nay of a single city with its domain.

[70] That is, near Settebassi, between the fourth and fifth milestones from the Porta Capena, on the road to Frescati: for the Via Latina, which was much older than the Via Appia, led in those days to Alba: see above, pp. 204, 205. Let those who go along that road think of the Horatii in this part of it. The name of the ditch was unquestionably derived from an Alban prince: for the sake of explaining this name, the story was invented that the armies encampt a long time in this place, and, since Fuffetius appears subsequently as the pretor of the Albans, that Cluilius died here. The oldest tradition must have represented the princes as agreeing from the first, that they would meet, each attended by his people, at the borders of their territories, and leave the decision of their quarrel to the gods.

[71] Everybody will perceive that we have here types of the two nations, regarded as sisters, and of the three tribes in each of them.

narrators varied, sometimes calling the Horatii, and sometimes the Curiatii, Romans or Albans: it was only the later historians who came to a decision on this point: nor is there any better authority than their caprice for the opinion, which is now universal, and which I too shall follow, that the former were Romans. Two of the Horatii had fallen: the third was left unhurt, to contend against three wounded foes, and by craft and skill overcame them. At the gate of the city his sister met him, and curst him in her despair, on seeing him conducted by the exulting army, and bearing aloft the spoils of the slain, among the rest the embroidered cloak of her betrothed, which she herself had woven. Anger seized him; and she fell by his hand. The judges of blood condemned him to be hung upon the fatal tree[872]: he appealed to the people; and they gave him his life.

For the compact had been, that the nation whose champions should be victorious, was to command the obedience and service of the other: and the Albans fulfilled it. When Fidenæ however, having driven out or overpowered the Roman colonists, was defending itself with the help of the Veientines against Tullus and the Romans, in the battle that ensued the Romans stood against the Veientines: on the right, over against the Fidenates, were the Albans under their dictator Mettius Fuffetius[73]. Faithless, and yet irresolute, he drew them off from the conflict to the hills. The Etruscans, seeing that he did not keep his engagement, and suspecting that he meant to attack their flank,

[872] The phrase, *am argen nordern Baum henken*, in the Frisian laws, answers to *infelici arbore suspendere*.

[73] *Mettius*, not *Mettus*, would have been the reading in Livy, as well as in Ennius,—in whom it is to be pronounced *Méttieŏ Fuffétieŏ*, —and in the Greek writers, unless the authority of the manuscripts had been disregarded. The proper names of the Latins resemble gentile names in their terminations; as *Octavius*.

gave way, and fled along his line; when the twofold traitor fell upon them in their disorder, in the hope of cloaking his treachery. The Roman king feigned himself deceived. On the following day the two armies were summoned, to receive their praises and rewards. He whose courage forsakes him in the execution of a criminal plot, will surrender himself to vengeance, if it be dissembled, with the view of avoiding what might confirm the suspicion that such a plot had been formed. The Albans came without their arms, were surrounded by the Roman troops, and heard the sentence of the inexorable king; that, as their dictator had broken his faith both to Rome and to the Etruscans, he should in like manner be torn in pieces by horses driven two opposite ways; and as for themselves and their city, that they should remove to Rome, and that Alba should be destroyed. It was carried into execution. The city, being already stript of all its men capable of bearing arms, was surprised, and razed, to the sound of trumpets [874], all but the temples.

Tullus assigned the Albans habitations on the Cælian. This is a point on which the legendary history of Rome may rely, because he was regarded as the founder of the Luceres. Else the settlement on the Cælian was ascribed by other stories to Tuscans; some placing it as far back as under Romulus, and others again much later than Tullus. All the patrician houses that deduced their stock from Alba, belonged to the Luceres; even the Julii: and the fact of their having come from Alba, I hold to be historically certain, as well as the fall of Alba. But the war which ended in that fall has only an indefinable historical foundation, like the Trojan war. The probability is, that Rome in conjunction with the Latin towns took Alba, and that the allies divided the territory and the people they had conquered. For by

[874] Servius, on Æn. II. 313.

the Italian law of nations, which in the case of a total destruction would also be the law of nature, the Alban territory must have become the property of the conqueror. Yet we find it in the possession not of Rome, but of the Latins: here, at the fountain of Ferentina, below Marino, they held their national assemblies [875]. Or perhaps Alba may have been destroyed by the Latins, not by Rome; and some of the Albans, retiring to Rome, may have been received there as refugees. Thus the demolition of Fiesole, and the carrying away the Fiesolans to her pretended daughter city, is the earliest point that passes for historical in the story of Florence. The interval between the year 1008 and Machiavel is less by near 150 years than that reckoned between Tullus and Livy: the oldest chronicles related it: yet the Tuscan critics have long since proved that Fiesole continued to exist for many ages after its pretended destruction, in the very same state as before.

After the fall of Alba begin the wars with the Latins, who dwelt on both sides of the Anio in a semicircle about Rome, the Tiber forming its chord. Of that war with them, which Dionysius relates to have arisen in the time of Tullus, in consequence of Rome's pretending to have acquired the supremacy ascribed to Alba, Livy is ignorant. He does however mention an alliance concluded under that king with the Latins: and the existence of this alliance, as a confederacy in arms, not with the Latins alone, but also with the Hernicans, like that formed by Sp. Cassius, is implied in a narrative preserved from Varro, which has a historical air [76]. It relates that the troops of the allies, under generals from Anagnia and Tusculum, encampt upon the Esquiline, and covered the city, while Tullus was besieging

[875] Livy, I. 50, VII. 25. Dionysius seems to confound this place with the Ferentinum of the Hernicans.

[76] Varro, Rer. Human. VIII. quoted by Festus, v. Septimontio.

Veii; and this war is connected with that against Fidenæ, just as there is a like connexion in the legend of Romulus. Livy, who passes over it here, seems nevertheless to include it in the total number of the Veientine wars[877].

In the time of Tullus the Sabines were the most powerful people in all Italy, next to the Etruscans. Tullus warred against them with success; until the anger of the gods at the neglect of their service, and at the decay of the piety inculcated by Numa, was announced by a shower of stones on the Alban mount, and by a pestilence. The king himself fell sick, and sank despondingly into restless superstition. As the gods persisted in their silence, and would not grant him any sign revealing the means of atonement, he sought to constrain them to answer him by Numa's mysterious rites at the altar of Jupiter Elicius. But an oversight in these perilous conjurations, or the wrath of the gods, drew down a thunderbolt on his head. The lightning consumed his corpse, and his house, together with all his family. A reign of two and thirty years was assigned to him.

The lay of Tullus Hostilius is followed by the narration of a course of events, without any marvellous circumstances, or poetical colouring. By the founding of Ostia this narrative is connected with real history. But it is woven into a chronological computation in which the tricks of elaborate falsifiers are most clearly apparent.

Ancus Marcius, from whom the plebeian house of the Marcii boasted of descending, was called in the tradition the son of Numa's daughter; which alludes to the practice of taking the kings by turns from the Romans and the Quirites. Mindful of his ancestor's example, he applied himself to the reestablishment of religion, which had fallen into neglect. He had the ceremonial law, so

[877] Septies rebellarunt: v. 4.

far as it required to be generally known, transcribed upon tables, which were set up in public that all might read them. Indeed we may readily believe that it was not till after the time of the kings, that the indispensable observances of religion were converted by the pontiffs into a mystery only to be learnt from their teaching.

The reign of Ancus however was not destined to be so peaceful as that of Numa. He conducted a successful war against the Latins. He took Politorium, Tellena, Ficana, towns lying between Rome and the sea, the Via Ostiensis and the Ardeatina, and compelled their inhabitants to settle upon the Aventine. At length, being alarmed by the danger of Medullia, a confederate army assembled, over which the king gained a hard-fought victory: whereupon, the tradition says, he carried away several thousand Latins to Rome. He also made conquests from Veii, and gained some forests on the seacoast, and some saltmarshes, as well as the two banks of the Tiber down to its mouth. Here he built Ostia, the oldest Roman colony which the historical age recognized as having been preserved: for those founded by Romulus, Fidenæ, Crustumerium, and Medullia, effaced this character by their rebellion. Ostia, which like them enjoyed the Cærite franchise, was the harbour of Rome. Ships of considerable size could in those days run into the Tiber; the mouth of which, partly through neglect, and partly from illjudged erections, has now become inaccessible, even more so than those of the other rivers that flow into the Mediterranean. He built the first bridge over the Tiber, and a fort beyond it on the Janiculum, as a bulwark against Etruria. On the other side he dug the ditch of the Quirites, a protection of considerable importance, as Livy says, for such parts of the city as stood low and were exposed. This ditch, a work of no splendour, and not mentioned by any other writer, must without doubt be the Marrana, a continuation of the Fossa Cluilia, which originally perhaps was

carried into one of the little rivers falling into the Tiber below Rome. It was a defense for the open ground between the Cælian and the Palatine[678]: and it drained the valley of the Murcia, while it supplied the Campagna with water. The oldest remaining monument of Rome, the prison, formed out of a stonequarry in the Capitoline hill, is also called the work of Ancus. It was on the side of the hill above the Forum, the place of the plebeian assemblies: and, until an equality of laws was introduced, it served only to keep the plebeians, and those who were below them, in custody. Hence the construction of it may be ascribed to the same king, to whom the first establishment of the plebeian estate is referred. The original common law of the plebs was regarded as the fruit of his legislation; in the same manner as the rights of the three ancient tribes were lookt upon as the laws of the first three kings[79]: and because all landed property, by the principles of the Roman law, issued from the state, and on the incorporation of new communities their lands were surrendered by them, and conferred on them anew, the assignment of public lands is attributed to Ancus[80]. Now this act, being viewed as a parceling out of the public domain, was probably what led the plebeians to bestow the epithet of *good* upon him in the old poems: as on the other hand it must have been the same act that induced Virgil to charge him with vanity and courting popular favour[81]. They who look with aversion on the beneficent and kingly work of fostering the germs of new rights, and cherishing them as they spring up, seek for the source of such conduct, not in that generosity of mind, which, while it respects the rights

[678] The Vicus of Septem Viae.

[79] See note 763. [80] Cicero, de Re p. II. 18.

[81] *Bonus* Ancus: Ennius, III. p. 53. Lucretius, III. 1038. Zonaras too says: ἐπιεικὴς ὤν. In Virgil on the contrary he is *Jactantior* Ancus, *Nunc quoque jam nimium gaudens popularibus auris.*

of whatever has any living energy, rejoices in the coming forth of new life, and shrinks from the sight of torpour and decay, but in impure motives, which, it is true, may give birth to actions not dissimilar in appearance.

The ground about the temple of Murcia, between the Circus and the Aventine, cannot have afforded more than scanty room for a few hundred small houses, and can never have been sufficient for the many thousand families that Livy speaks of[82]. But the Annals may perhaps have been justified in stating that even thus early a very large number of free Latins were incorporated with the Roman state. Perhaps however this was not effected by conquest, but by a voluntary treaty; if we suppose that, after the destruction of Alba, an agreement was entered into by Rome and Latium, that a part of the Albensian and a part of the Priscan Latin towns should belong to Rome, while a new state, consisting, like the old one, of thirty towns, was formed out of the rest. For a similar arrangement was entered into by these states on two several occasions during the historical age.

The new subjects could not be admitted into a new tribe, as the Luceres had been: for by the reception of these the number of tribes had been completed; and it could not be increast. They constituted a community, which stood side by side with the people formed by the members of the thirty curies, as the body of the Latin towns had stood in relation to Alba. This was the beginning of the plebs, the strength and life of Rome; the people of Ancus, as distinguisht from that of Romulus[83]. And this is a fresh reason why Ancus was placed in the middle of the Roman kings.

[82] I. 33: *Multis millibus* Latinorum in civitatem acceptis, quibus, ut jungeretur Palatio Aventinus, ad Murciae datae sedes.

[83] The words in the concluding strophe of the hymn of Catullus, XXXIV, Sis quocumque tibi placet Sancta nomine, *Romulique Ancique*, ut solita es, bona Sospites ope gentem, answer to the formulary, Quod felix faustum fortunatumque sit *populo plebique Romanae*.

Scaliger's piercing eye detected the true reading in this passage, from finding that the text, before the editors disfigured it, was *antique;* out of which superficial critics, always easily satisfied, had made *antiquam*, the reading adopted by his predecessors. The light which led him seems to have been that of grammatical logic, which taught him that, to complete the sense of the passage, another conjunction was wanting after *Romulique*. At least I do not know of any trace of his having ever set himself to solve the riddle of Roman history. But there was no region of philological research that he had left unvisited: and what takes place so frequently, may perhaps in this instance have happened to him. In a mass of utter confusion, a single spot, which others have overlookt, will often strike an observing eye: but no distinct consciousness of it is retained, because it is only an insulated fragment. It recurs to the memory, when anything else connected with it is met with: but it is often only a transient light, which falls upon the darkness; and even he on whom it has shone forgets what it revealed to him.

THE LAY OF L. TARQUINIUS PRISCUS, AND SERVIUS TULLIUS.

It is impossible to believe that the ancient lays in their original form spoke of Damaratus as the father of L. Tarquinius. But Polybius must have found this story already extant in the Roman Annals *; and perhaps it also occurred in Ennius; nay, even in the later forms assumed by the old poem, when the tales of Zopyrus and Periander were woven into it. Such lays, even in the hands of learned bards, are perpetually altering their features, shifting and changing until they vanish away.

When Cypselus, the offspring of a marriage of disparagement, uniting with the commons had overthrown the oligarchy at Corinth, and was taking vengeance on the persons who had aimed at his life, many of the Bacchiads fled, among the rest Damaratus. Commerce had not been esteemed disreputable among the Corinthian nobility: as a merchant, Damaratus had formed ties of friendship at Tarquinii: he settled there. He brought great wealth with him: the sculptors Euchir and Eugrammus, and Cleophantus the painter[84], accompanied him: and along with the fine arts of Greece he taught the Etruscans alphabetical writing[85]. Renouncing his native country for ever, he took an Etruscan wife, and to the sons whom she bare him, gave the names and education of their own land, together with the refinements of Greece. One story represents him as having obtained

* vi. 2. [84] Pliny, xxxv. 5. 43. [85] Tacitus, Annal. xi. 14.

the government of Tarquinii[886]. But there is more accordance with the customs and laws of Etruria in the other, that his son Lucumo, having by his elder brother's early death become sole heir of his father's riches, and being urged by his wife Tanaquil, who was initiated in the national art of reading the future, resolved on emigrating to Rome, because every avenue to honours was closed against strangers among the Etruscans. Her expectations were confirmed by an augury. When they were looking from the top of the Janiculum upon the Roman hills before them, the traveler's bonnet was carried away by an eagle into the air: but soon the bird stoopt again, and replaced it on his head. At Rome Lucumo was welcomed. Being admitted with his family to the rights of citizenship, he changed his name into Lucius Tarquinius, to which Livy adds *Priscus*. His courage, the splendour with which he lived, his liberality and prudence, gained him the favour of the king and of the people. The former appointed him guardian to his sons: when the throne became vacant, the senate and citizens raised him to it with one accord.

Of the wars ascribed to L. Tarquinius, Dionysius, adopting the forgeries of very recent annalists, has given an intolerable newspaper account. For the purposes of this work even Livy's dignified brevity goes too much into detail: and it would be altogether at variance with them, to stop and point out how the two historians contradict each other, as to the order of these wars and their events. According to Livy it was by the Latins and Sabines that the growing power of Rome was obstinately but unsuccessfully resisted. Apiolæ, a town destroyed by Tarquinius, belonged to the Latins: its wealth was such, that the booty enabled him to exhibit more splendid games than the city had yet seen. Corniculum too was demolisht: and Nomentum, together with

[886] Strabo, VIII. p. 378 c.

Ameriola, Cameria, Crustumerium, Ficulea, Medullia, places which must have lain between Nomentum, Tusculum, and the walls of Rome[887], submitted to the dominion of the Romans. One or two of these towns are never mentioned afterward. The Sabines had advanced with a great force to the very gates of Rome: the Roman horse drove them back. Their camp was on the left bank of the Anio: Tarquinius set fire to their bridge by burning rafts, and annihilated their army. Several traditions are connected with this war; the vow of the Capitol, and the institution of ornaments for boys of noble birth. The king's son, a lad of fourteen, was invested by him with a golden *bulla* and a purple-bordered robe, for having slain one of the foe.

The war in which the Æquians, in aftertimes the indefatigable enemies of Rome, and then already a great and formidable people[888], were subdued by Tarquinius, is referred by Livy to the second king of that name[889]. Dionysius says nothing of this quarrel. On the other hand he gives a minute account, how five of the remoter great Etruscan cities were induced to send aid, which proved inadequate, to the Latins; and how afterward, when the Sabines had made a truce for several years, all the twelve cities to the south of the Apennines united their forces against Rome, but, after losing a battle at Eretum, submitted to king Tarquinius as their supreme head, and did homage to him by presenting him with the badges of royalty, the splendour of which

[887] It is hard to understand how the Romans and Sabines could come in hostile contact, so long as these cities lying between them continued independent.

[888] Cicero, de Re p. II. 20. Strabo, v. p. 231. a: Αἴκουοι γειτονεύοντες μάλιστα τοῖς Κυρίταις· τούτων τὰς πόλεις Ταρκύνιος Πρίσκος ἐξεπόρθησε. In the same place he calls Apiolæ a Volscian town.

[889] He treats it indeed as a matter of little importance: pacem cum Aequorum gente fecit: I 55

ennobled his triumph[890]. According to this story, in the evening of his days he was the acknowledged soverain of the Etruscans, the Latins, and the Sabines. Of this vast extent of his dominions nothing is said by Cicero or by Livy: the only extant Latin writer who speaks of it, is Florus. Thus much however is recognized by all, that the power of Rome under Priscus rose far above what it had ever been before.

His victory in the Sabine war was owing to his having doubled the number of the cavalry. In conformity to this measure, the king wisht to double the number of the equestrian centuries, and to name the three new ones after himself and two of his friends. His plan was opposed by the augur Attus Navius; who represented that Romulus had acted under the sanction of the auspices in regulating the distribution of the knights, and that nothing but the consent of the auspices could warrant a change. Attus was a Sabine by descent: the gift of observing and interpreting auguries was the endowment of his countrymen. Even as a boy he had practist the art without any instruction; and afterward, on being taught, he acquired the greatest mastery in it that any priest ever attained to[91]. In all likelihood the books now extant word his objections less peremptorily than the original legend; in which he probably declared that the auspices forbad any change. Tarquinius, to shame the augurs, or for his own satisfaction, as Crœsus

[890] This ceremony, like so many other things, was adopted by Rome from the Etruscans, whose monuments contain representations of triumphal processions.

[91] Dionysius says, he did not belong to the college of augurs. This is an inference, which his ingenuity, or that of some one before him, drew, because the augurs were patricians, and Attus in his boyhood had tended his father's swine; as if a poor patrician could have dispenst with the household services of his children. It is utterly inconceivable that the ancient legend should have represented the most renowned of all augurs as a stranger to the college.

put the veracity of the oracles to the proof, commanded him to divine whether what he was thinking of at that moment were possible or not. When Attus had observed the heavens, and declared that the object of the king's thoughts was feasible, Tarquinius held out a whetstone, and a razor to split it with. The augur straightway did so. The whetstone and razor were preserved in the Comitium under an altar: beside them, on the steps of the senate-house, stood the statue of Attus, a priest with his head muffled.

Yielding to this omen, the king abandoned the scheme of establishing any new centuries. But to each of those establisht by Romulus he associated a second under the same name: so that from this time forward there were the first and second Ramnes, Tities, and Luceres. The writers who state that the equestrian order was increast to twelve hundred, take a century for a hundred horsemen, and suppose that the six centuries were further doubled by the same king after the Æquian war[892]. The fact which they had in view however was nothing but the union with an equal number of Latin cavalry in the field, like that between the infantry of the two nations.

What has made the name of Tarquinius ever memorable, is, that with him begins the greatness and the splendour of the city. In most instances the legends fluctuate in ascribing a work or an exploit, some to him, some to his son. But the vaulted sewers by which the Velabrum, the Forums, the country down to the lower

[892] This throws light on a very obscure passage of Cicero, de Re p. II. 20: Prioribus equitum partibus secundis additis, M ac CC fecit equites, numerumque duplicavit postquam bello Aequos subegit. Livy has misunderstood the fact: yet in him too the true reading is 1200, not 1800: see Mai on the passage of Cicero. For there is little difference between *d* and *a*, especially in the uncial character, of which a specimen is given in the plate to my edition of Cicero's fragments, n. 3; and they would be perpetually mistaken for each other, but that *d* is a consonant. MDCCC in the Florentine manuscript comes from MACCC (M *ac* CC), as it stands in Cicero.

Subura, and the valley of the Circus, till then swamps and lakes, or bays in the bed of the river, were drained, are in most of them called the work of the elder king: and coupled with this undertaking must have been that of embanking the Tiber. In the valley thus gained, between the ancient town of Roma and the Tarpeian hill, he allotted a space for a market, and for the meetings of the people, built porticoes round it, and gave ground to those who wisht to set up booths and shops there. Betwixt the Palatine and the Aventine, the meadow redeemed from the water was leveled, and converted into a racecourse. Each cury had a place here assigned to it, where the senators and knights erected scaffolds to view the games from[893]; and where they would also make room for their clients. He surrounded the city with a wall of hewn stone, after the Etruscan manner, or at least made preparations for doing so[94]. The building of the Capitoline temple from the very foundation is ascribed by the earlier narratives to the last king: to the father they only attribute the vow. And so must every one who seeks for connexion, or fancies he is dealing with history, in lays and legends: else the building would have rested for a number of years, during the whole reign of Servius Tullius.

These works, rivaling the greatest of the Etruscan, can never have been accomplisht without oppressive taskwork, any more than those of the Pharaohs, or Solomon's. To cheer his people during their hard service, the king instituted games; which from his time forward were celebrated annually in September, under the name of the Roman or Great Games. Of the

[893] Loca divisa patribus equitibusque, says Livy, I. 35: διελὼν τοὺς τόπους εἰς τριάκοντα φράτρας, ἑκάστῃ φράτρᾳ μοῖραν ἀπέδωκε μίαν, Dionysius, III. 68. They are both relating the same thing.

[94] Dionysius, III. 67, says ἐδοκίμασε,—Livy, I. 38, *parat*. The tradition, we may be sure, was not thus cautious. The reason which made the historians so, is clear enough; the wall of Servius.

contests which drew the Greeks to Olympia, none but the chariotrace and boxing were practist by the Etruscans. The spectacle amused the people of Italy: but the contests were the business of hirelings or slaves. If a citizen engaged in them, instead of being immortalized by sculpture or in song, and of becoming the pride of his family, he forfeited his honour and his franchise. The charioteer and the player were in no higher esteem than the gladiator. Not that the Romans clung to their spectacles of all kinds with less avidity than the Greeks. If however, like the Greeks, they could have honoured the object which excited their passions, they would not have run into that extravagant fury, which even in early times maddened the factions of the circus in behalf of their despicable favorites. But the chariotrace was not the only amusement at the Circensia: there were also the processions, the images of the gods borne along in kingly robes, the armed boys, the war-dances, and the ludicrous imitations of them *. The rites of religion too, which till then had been plain and simple, were clothed with splendour under Tarquinius. In his reign bloody sacrifices are said to have been introduced, and adoration to have been first paid to representations of the gods under human forms.

The memory of this king was honoured and celebrated by the descendants of those who had sighed under his heavy yoke. Nay, the sufferings themselves were imputed to his detested son; though neither the Forum nor the Circus could be laid out, until the great sewers had been built. Still more favour was shewn by after-ages to Caia Cæcilia, the wife whom another legend gives him instead of the Etruscan Tanaquil. The Roman brides reverenced her as a beneficent enchantress [895], and an industrious

* Dionysius, VII. 72.

[895] She wore a magic girdle: hence persons in great peril took filings from the girdle of her statue in the temple of Sancus. Festus, v. Praedia.

housewife, diligent at the loom[896]; just as the good days of Queen Bertha and her spinningwheel are still held in remembrance among the Germans.

According to the tables of the pontiffs, Tarquinius had reigned thirty-eight years, when his glorious life was terminated by assassination. The sons of Ancus Marcius had long lookt upon him as an enemy and usurper, whose death would afford them an opportunity of mounting the throne. They were not quieted by seeing that the king was more than eighty years old: for there was no doubt that, if he was in possession of his consciousness at the approach of death, he would secure the succession to his son-in-law Servius Tullius, his own favorite, and the darling of the whole people. In those days princes still acted as judges, especially in breaches of the peace, for any of their subjects who had recourse to their paternal authority. Under a pretext of this kind two murderers hired by the Marcii gained admission into the king's chamber, and gave him a deadly wound.

The birth of Servius Tullius was as marvellous as it was humble. Ocrisia, a handmaid of the queen's, and one of the captives taken at Corniculum, was bringing some cakes as an offering to the household genius, when she saw an apparition of the god in the fire on the hearth. Tanaquil commanded her to dress herself as a bride, and to shut herself up in the chapel. She became pregnant by a god: many of the Romans said that the household genius was the father of Servius; others, that it was Vulcan. The former supported their opinion by the festival which Servius establisht in honour of the Lares; the latter by the deliverance which the god of fire vouchsafed to his statue[97].

[896] Probus de nominibus, p. 1400, in Gothofred. Auct. Ling. Lat. Plutarch, Quaest. Rom. xxx. p. 271, makes her wife to a son of Tarquinius.

[97] Ovid, Fast. vi. 625. ff. Dionysius, iv. 2.

Such legends are always far older than those which have a historical air. Of the latter kind two very different ones became current on the descent of Servius. According to the one[898], his mother was a handmaid from Tarquinii, his father one of the king's clients, he himself, in his childhood, a slave. The other had a more dignified air, and was caught at by Dionysius. It stated that at Corniculum, one of the Latin towns to the north of the Anio, dwelt a man of princely birth, who likewise bore the name of Servius Tullius; that, at the taking of his native city, he was slain along with all its defenders; but that his widow, then far advanced in her pregnancy, was carried away with the other captives to Rome; where she was assigned to the queen on account of her illustrious rank, was treated with honour, and was delivered of a boy.

One day, as the child was sleeping in the porch of the royal palace, his head, to the terrour of the beholders, was seen girt with flames[99]. The queen Tanaquil forbad their being extinguisht: for the Etruscan propheteſs recognized the spirit of his father, and foresaw that the boy was called to great things. When he awoke, the apparition had vanisht. From that time forward he was bred up as the king's own child, and with the highest hopes. Nor in more advanced life did he ever cease to hold intimate communion with the higher powers. The goddess Fortune loved him: she comprest the extremes of her empire within his life, birth in the form of a servant, the possession of soverain power, with worthiness

[898] In Cicero, de Re p. II. 21. The insinuation that Servius was probably a bastard of the king's, is an instance how even the greatest mind may be betrayed into a silly absurdity.

[99] According to Valerius Antias this happened late in his life, when he had fallen asleep after sorrowing long for the death of his wife Gegania: Plutarch, de Fort. Roman. p. 323. c. This Gegania instead of Tarquinia, and Cæcilia instead of Tanaquil, may possibly be historical personages.

to wield it, and finally an unmerited cruel death. She visited him secretly as his spouse [900], but under the condition that he should cover his face, and never look upon her. A very ancient gilt wooden statue of the king, the face of which was kept covered over in like manner, was set up in the temple he erected to his goddess. The temple was once consumed by fire: but the statue remained uninjured, because Servius was sprung out of the flames.

In his early years the city and army found him the bravest and best of the Roman youth. A battle had well-nigh been lost: he threw the standard into the midst of the enemy's ranks, and thus roused his soldiers to gain the victory. He headed the armies of the aged king with glory, and was rewarded with the hand of his daughter. His father-in-law entrusted him with the exercise of the government; and when Tarquinius became very old, Servius was enabled to lighten the yoke which prest on his subjects. So that they rejoiced, when, by an artifice frequently practist in the East, it was announced that the king's wound was not dangerous; and that for the present he had appointed Servius to govern in his stead. Had an interreign taken place, the senate would have had the power of keeping the election of Servius from coming to the vote. As it was, he exercised the authority of king, without any election. However, when the death of Tarquinius became known, the curies invested him with the *imperium*[1]: and afterward he did homage, for the first time, to the majesty of the centuries, by calling upon them also to decide whether he was to reign over them.

The wars of this king are far the least important part of his actions. A successful one against the Veientines, of which Livy only makes slight mention, is magnified by

[900] Ovid, Fast. vi. 577 ff.

[1] Cicero, de Re p. ii. 21. Dionysius, iv. 12.

Dionysius into victories over the whole Etruscan nation, which after the death of Tarquinius had repented of its submission, but was compelled by severe defeats to resort to it a second time, as the only means of safety. Indeed the forgery made way even into the Fasti, where the pretended triumphs are recorded, with the year and day of their occurrence.

In the older traditions Servius, next to Numa, seems to have had the scantiest portion of military fame. His great deeds were laws: and he was named by posterity, says Livy, as the author of all their civil rights and institutions, by the side of Numa, the author of their religious worship. The constitution attributed to him requires an explanation, which must be kept apart and removed without the circle of these legends. But the lays, by which a lively remembrance of him was preserved, must assuredly have also celebrated his paying the debts of those who were reduced to indigence, out of his royal treasures; his redeeming those who had pledged their labour for what they borrowed; and his assigning allotments of land to the free plebeian citizens, out of the territories they had won for their common country with their blood.

Several Latin communities, whose towns had been destroyed, or continued to exist only as marketplaces, were at this time a component part of the Roman people, which had already grown into a nation: and this nation was leagued by treaty, but not by a federal union, with the Latins who held their general assemblies at the fountain of Ferentina. Such a federal union was effected by Servius, who at the same time obtained the supremacy in it. All such federations among the ancients were connected with the worship at some common temple: the sun and moon, Dianus and Diana, were the divinities adored by the Latins, as the mightiest, the most manifest, and the most benevolent. Accordingly, when Servius concluded a league between Rome and the thirty towns of the Latins, among which Tusculum, Gabii, Præneste,

Tibur, Aricia, Ardea, were at that time the most important, the confederates combined in raising a temple to Diana on the Aventine, the chief abode of such Latins as had newly become citizens of Rome. The tablet containing the record of the league, and enumerating every people that took part in it, was set up and preserved there: and perhaps it was because this temple was the common property of Rome and Latium, that the Aventine was not included within the pomerium; neither when Servius extended it by incorporating the Esquiline and the Viminal, nor in subsequent enlargements [902].

The Sabines too joined in the worship of this temple [3]. A Sabine yeoman had a bull of prodigious size born among his cattle, the enormous horns of which were preserved down to very late times, nailed up in the vestibule. The soothsayers announced that whoever should sacrifice this bull to the Diana of the Aventine, would raise his country to rule over her confederates. The Sabine had already driven the victim before the altar, when the Roman priest craftily rebuked him for daring to offer it up with unclean hands. While he went and washt in the Tiber, the Roman accomplisht the sacrifice.

The legend relates that the king's beneficent and wise laws were received by the patricians with sullenness and anger: and its voice may well be believed; for very few of their descendants were inspired with the wisdom of king Theopompus, who consoled his repining queen by telling her, that limited power is more lasting. Strong houses belonging to the nobles, in strong situations within the city, excited alarm in ancient Rome, as they did in the Italian towns during the middle ages. Thus the people lookt with jealousy on the house that the consul Valerius was building: and thus the Tuscans are said to

[902] Gellius, XIII. 14.

[3] In this way one may get over the difficulty which that acute critic, Glareanus, perceived in Livy, I. 45.

have been commanded to descend from the Cælian hill *. In the same spirit it is related, that, when Servius was building on the Esquiline, and took up his own residence on that mount, he would not allow the patricians to fix there; just as they were afterward prohibited from dwelling on the Capitoline. But he assigned the valley to them, where they settled and formed the *Vicus Patricius*[904]; in the neighbourhood of Santa Pudenziana. His suspicion was not unwarranted. Thus much may be considered as historical, that they conspired with a heinous rebel against the venerable king.

The royal house of Rome, says Livy, was also doomed to be defiled by tragical horrours. The two sons of Tarquinius Priscus, Lucius and Aruns, were married to the two daughters of king Servius. Lucius, capable of crime, though he did not rush into it of his own accord, was wedded to a virtuous lady; Aruns, honest and sincere, to a wife of a fiendish character. Enraged at the long life of her aged father, and at the apathy of her husband, who seemed ready, when the throne became vacant, to resign it to his ambitious brother, she swore destruction to them both. She seduced Lucius to join in compassing the death of his brother, and that of her own sister. Without even the show of mourning, they lit their marriage torch at the funeral pile. Tanaquil lived to endure this sorrow[5]. It seemed however as if the criminals were on the point of losing the object of their crime: for Servius, to complete his legislation, entertained the thought of resigning the crown, and establishing the consular form of government[6]. Nor

* Varro, de L. L. iv. p. 14. [904] Festus, v. Patricius Vicus.

[5] According to Fabius: see Dionysius, iv. 30; where he vehemently censures Fabius on this score, because, according to the Annals, Aruns died in the fortieth year of Servius.

[6] Livy, i. 48. 60. Dionysius, iv. 40. In Plutarch, de Fort. Roman. p. 323. d, Ocrisia or Tanaquil exacts an oath from him not to do so: that is, she foresaw Tullia's crime.

were the patricians less alarmed and indignant at this plan: for they saw that the hateful laws of Servius would be confirmed for ever, if consuls were to be appointed after the manner proposed in the king's commentaries. When the conspiracy was ripe, Tarquinius appeared in the senate with the badges of royalty, and was greeted by the insurgents as prince. On the report of a seditious commotion, the king hastened undaunted to the senate-house, and standing in the doorway rebuked Tarquinius as a traitor. The latter seized the weak old man, and threw him down the stone steps. Bleeding and maimed, Servius was lifted up by some trusty attendants and led away: but, before he reacht his dwelling, the tyrant's servants came up with him and murdered him. His body was left lying in its blood.

Meanwhile Tullia was too impatient to await the tidings of the result. She drove through the midst of the crowd to the senate-house, and hailed her husband king. Her transports struck even him with horrour: he commanded her to return home. In a street, which from that time forward bore the name of *Wicked*, the body of her father was lying before her. The mules shrank back: her servant pulled in the reins: she bad him drive on over the corpse. The blood spirted over the carriage and on her dress.

According to another legend, which Ovid has workt up[907], the insurrection of Tarquinius excited a fray between his partisans and those who remained faithful to the king; in which Servius, while flying homeward, was slain at the foot of the Esquiline. Hence the bloody corpse was lying before the carriage, when Tullia drove to take possession of the palace.

Once she ventured to enter the temple of Fortune, where the honoured statue of her father was erected. The statue hid its face from the looks of the parricide[8].

[907] Ovid, Fast. vi. 598. [8] Ovid, Fast. vi. 613.

The people, stunned and dismayed, suffered the chains which had been loosened to be fastened upon them again. But when in the funeral procession the image of Servius was borne behind his bier in the pomp of royalty, every virtuous and every fierce passion was kindled by the beloved features thus restored to their sight. An insurrection would have burst forth immediately: vengeance would have been taken: but so wavering and thoughtless is the populace, its rage was appeased when the face was covered over [909]. Yet the memory of Servius continued to live very long; and since the people celebrated his birthday on the nones of every month,—for the month had become a matter of uncertainty, but that he was born on the nones of some month was agreed by every tradition,—and as their veneration grew still stronger, when the patricians, having become sole masters of the government under the consular form, were pressing hard upon the commonalty, the senate at length found it necessary to enact that the markets should never be held on the nones; lest the countryfolk, being gathered together, and inflamed by present oppression, and by the remembrance of better times, should hazard an insurrection, to restore the laws of the martyr [10].

[909] Ovid, Fast. vi. 581. Another legend followed by Livy related exactly the contrary; that Tarquinius forbad the burial of the corpse, saying in mockery, *Romulus too went without funeral rites;* and that for this reason he received the name of *Superbus*. They who, like Dionysius, thought such conduct too rude, devised a way of giving Servius, not indeed a burial suitable to his rank, but at least a private one.

[10] Macrobius, Saturnalia, i. 13.

EXAMINATION OF THE STORIES OF L. TARQUINIUS AND SERVIUS TULLIUS.

The story of Damaratus acquires a seductive look of historical truth, from the positive manner in which it is connected with Cypselus; whereby it appears at the same time to confirm the chronological statements with regard to L. Tarquinius. Now could it be assumed that the story was transplanted in this shape out of native traditions into the earliest annals, its importance would only be increast by the gross ignorance as to the affairs of Greece displayed by the annalists even so late as the seventh century of the city, and by their manifest incompetence for contriving that the tables of the pontiffs should synchronize with the history of Corinth. Did they not consider Dionysius a contemporary of Coriolanus? did they not fancy, running off into the opposite errour, that in the year 323 the Carthaginian armies crost over into Sicily for the first time[911]?

But this apparent chronological coincidence stands and falls with the dates assigned to L. Tarquinius: and the only foundation for these is a piece of numerical trifling. In the bare empty outline, which is clearly an invention, there may seem to be such an agreement. But the old Roman story was enormously at variance

[911] For the former point, see Dionysius, VII. 1; for the latter, Livy, IV. 29; who repeats the statement without a scruple. There is a singular misunderstanding here, which I will explain in the second volume.

with those dates: nor is there any possibility of a reconcilement. What looks like one has only been effected by glossing over some things and distorting others.

All the Roman annalists, with the exception of Piso, who adulterated the statements he found, followed Fabius in calling the last king and his brother Aruns the sons of the elder Tarquinius, who died during their childhood: and this account was adopted by Cicero and Livy. Fabius said no less expressly; that they were the sons of Tanaquil, and that she outlived Aruns. It is in perfect harmony with this, that Collatinus and L. Brutus, the former of whom is described as the grandson to the brother of the elder Tarquinius, the latter as the son of that king's daughter, are of the same age with the sons of Tarquinius Superbus: and this strikes so deep into the heart of the story, that the refinements of Piso and Dionysius destroy all connexion in it, and entail the necessity of still more falsifications than they themselves devised, in order to restore even a scantling of sense and unity.

There never was an easier historical controversy, than to shame old Fabius by calculating that Tarquinius, if, as the Annals gave out, he came to Rome at latest in the eighth year of Ancus, must at least have reacht his eightieth year when he was murdered, and that Tanaquil cannot then have been under her seventy-fifth; so that his having left children of tender age behind him was out of the question: moreover, if Aruns died in the fortieth year of Servius, his mother must then have been a hundred and fifteen years old. With Fabius indeed Dionysius might argue on the premises of the chronology admitted by both. But the old poet would have replied to him: *My good friend! who told you that I count like the pontiffs? Were I to reckon a period of eighty-two years for the two reigns of Tarquinius and Servius, and to trouble myself about what the Annals say concerning the year when the Lucumo came to Rome, and that when Aruns died, then*

you would be in the right: but those nonsensical numbers no way affect me. If you insist on my saying how many years I would allow to these two kings, and if I must needs give you an answer; why ... five and twenty, thirty[912] *... what know I about it? what care I? Only it must not be a number that ruins my poem, and makes Tullia and Tarquinius wait twenty long years, from the hour when they must have conceived the plot of their crime, before they carry it into effect. It must not be a number that makes the father of Collatinus come into the world above a hundred and twenty years before the day of his son's idle talk with the royal youths over their cups; or the mother of Brutus more than a century before he drove out the Tarquins, after having been living with the young princes as their comrade.*

But as soon as the birth of the first Tarquinius is placed at least fifty years later, Damaratus ceases to be the contemporary of Cypselus: and down comes the whole story, which was fabricated out of this coincidence by some Greek learned in chronology. Such inventions may have traveled to Rome as early as the time of Fabius; since the father of Roman history did not write till after the death of Eratosthenes.

Here again I will not refuse to try if I can explain how the current story arose. That story is very far from the same thing with a certain ancient Græco-Italian tradition, that Etruria had received alphabetical writing and the arts from Greece. The tale of Damaratus personified the bearers. Nobody surely will place the sculptors Euchir and Eugrammus, that is, *the good handler* of clay, and *the*

[912] Whoever wishes to form a notion as to the probable mean duration of a magistracy resembling the Roman monarchy, may acquire it from the catalogues of the Venetian doges, during that period when the election did not fall of set purpose on old men, but on persons fit to govern, and to command the armies of the state. During the five centuries between 805 and 1311, there were forty doges: so that twelve years and a half fall to the share of each. Besides at the beginning the office was in fact hereditary.

good drawer upon it, as real personages in the history of the arts: yet these names seem to belong to early times. Not so that of Cleophantus the painter, who was probably added afterward. Damaratus however is inseparable from his companions: and it is by no means fair to lose sight of or slur over his being the introducer of writing: which is only done, because it is impossible to believe that the art was not brought into Tyrrhenia until about the thirtieth Olympiad.

What is related of him is an ancient tradition, just of the same kind as that which makes Evander teach the art of writing to the Latins. Originally it was without any determinate date, and only represented the fact as belonging to that remote period when writing was first diffused, and the arts were in the germ: for Cleophantus had no other colours than the red dust ground from tiles. So that assuredly, had the notion become more distinct, the age of Damaratus would have been thrown back, like that of Evander, far beyond the first Olympiad. As to the statement that Corinth was his home, a hint for explaining this might perhaps be derived from the resemblance noticed above between the earthen vases of Tarquinii and of Corinth *: which would infer that there was some peculiar intercourse between these two maritime cities. Perhaps too some Corinthian of that name did actually at one time or other reside in Etruria, and gain celebrity; which became still greater when his name was given by the fable to the ancient teacher of Tyrrhenia. When he had thus become generally known, like Pythagoras, the Roman legend connected Tarquinius with him, as it did Numa and the Æmilii with that philosopher: and from Roman chronology it was concluded that he must have been contemporary with Cypselus, and so might be a fugitive Bacchiad. The cause which made him leave his country, is cleverly devised, and so is the

* P. 133.

story how he won general popularity: for it was necessary to account for a foreiner's being freely chosen king.

Now should any one conceive that the historical features of this story are to be detected behind the legendary mask, and that Tarquinius may have been a Tyrrhenian, born of an Etruscan mother in a marriage of disparagement, he might urge, among other arguments, his having introduced Greek rites and representations of the gods into the Roman temples. For my own part I will hazard a very different conjecture, though one in this point nearly allied to that which has just been suggested; a conjecture which may perhaps startle even such as are not overtimid, more than any other opinion at variance with the received one. Yet in my eyes it has a probability amounting to conviction.

The supposition that Tarquinius was an Etruscan, owed its origin, I conceive, solely to his name's being deduced from that of the Etruscan city: so that he was moreover deemed a suitable person for the Tuscan age of Rome to be referred to. So far however am I from regarding Tarquinii as the birthplace of his race, that I hold it to be of Latin origin.

The notion that the Tarquins were a family, in our sense of the word, is disproved by the fact, the evidence for which will be brought forward by and by*, that a whole Tarquinian house existed at Rome, which was banisht along with the last king. We also find mention of Tarquins at Laurentum [913]. These may be supposed to have been exiles of that house: but even if they were, the legend or tradition must have made them turn their steps to this place, as it made Collatinus settle at Lavinium. When such a belief was current, assuredly Tarquinii was not lookt upon as their home.

The Latin origin of the Tarquins is pointed out by the surname of the first king, just as the names of other

* Note 1148. [913] Dionysius, v. 54.

patricians shewed from what people they sprang[914]. For *Priscus* was certainly the name of a people, just like *Cascus**: and after the very same manner did it grow to mean *primitive* and *old-fashioned*: the *Prisci Latini* were the *Prisci et Latini*. The formulary for declaring war, which Livy has inserted under the reign of Ancus, is indeed anything but a document of that age. It is taken however from the books of pontifical law, which extended into much remoter ages than the Annals, and the writers of which represented the circumstances and relations of still earlier times. In these books such an utter absurdity would never have been committed, as to draw up a formulary declaring war against the *old* Latins, at a time when Latin colonies had never been thought of: the expression is altogether unexceptionable, if used to denote the united nation of the Priscans and Latins[15]. Now the Servilii, among whom *Priscus* was a surname, were among the Alban houses on the Cælian; as were the Cloelii, who bore the surname of *Siculus*[16]: for the Albans were conceived to be a mixture of the Siculians with the Priscans. But as the Servilii, being Priscans, belonged to

[914] *Auruncus, Siculus, Tuscus, Subinus.* See above, n. 765. *Rutilus* too is *Rutulus*: and among the Mamilii we find the names *Turinus* and *Vitulus*. In like manner *Priscus* was a surname of several families. It is best known as such in ancient times among the Servilii, and as the first surname of the censor Marcus Porcius; who was born in the land of the Sabines, and came from Latin ancestors: Plutarch, Cato, c. 1. In his case again it was misunderstood, as if meant to distinguish him from his descendant: *prisci Catonis virtus*. The name *Priscus* has exactly the same form and character with the national names, *Tuscus, Cascus, Opscus.*

* See p. 79.

[15] Like *populus Romanus Quirites*, Livy, 1. 32: Quarum rerum etc. condixit pater patratus *populi Romani Quiritium* patri patrato *Priscorum Latinorum*, hominibusque *Priscis Latinis*, *etc.* See above, p. 294.

[16] Livy, 1. 30: Principes Albanorum in patres legit, Tullios, Servilios, Quinctios, Geganios, Curiatios, Cloelios.

the Luceres, so were the Tarquins the heads and representatives of that tribe. In this capacity they will appear in the course of the history: for the present I will only remark, that the father called up the lesser houses to the senate, and that they were the faction which supported the son in his insurrection[917]. That one of the Luceres should have become king, before his tribe was raised by his means to the full rights of citizenship, is less surprising than if we suppose him to have been a foreiner. Indeed by military influence it may easily be explained; an infringement of privileges in such a state of things being much more possible than under the consulate. The Albans, although a mixt race, were mainly Tyrrhenians: and this accounts for the worship of the Greek gods at the *ludi Romani*: which, if Tarquinius was an Etruscan, is so inexplicable. Down to this time the Sabine was the prevailing religion at Rome.

Caia Cæcilia belongs to a legend concerning Tarquinius entirely different from the received one. For in the latter Tanaquil comes to Rome with him, and outlives him: nor is anything said of her having changed her Etruscan name, like her husband. Cæcilia had a statue in a temple: so clearly is the tradition about her the older: and her name implies a connexion with Præneste, said to have been built by Cæculus[18], the heroic founder of her house. In this point the fictitious Etruscan Tarquinius, the son of Damaratus, has not quite obliterated the traces of the Latin Priscus. The historians altogether threw aside, what they could not reconcile with their accounts.

Lucumo, as a name for an Etruscan, would have been just like that of *Patricius* for a Roman. That no such ever occurred among the Tuscans, is a point on which the grave-stones, were it needed, might serve as witnesses.

[917] Livy, I. 47: Circumire et prensare *minorum maxime gentium* patres.

[18] Servius, on Æn. VII. 681.

The application of it in the Roman legends to individuals, to the ally of Romulus, to the nobleman of Clusium *, and to Tarquinius, is a proof how utterly uninformed they were on everything that concerned this nation, though in their immediate neighbourhood, from their not understanding a word of its language.

The greatest event in the story of Tarquinius Priscus, his subduing the whole of Etruria south of the Apennines, is entirely past over by Cicero and Livy. But the triumphal Fasti shew that here too Dionysius had Annals to bear him out: so that the account they gave must have been rejected as incredible by those Roman writers, as no doubt it had been, before the time of Cicero, by Polybius. Nor in truth need we scruple to deny the historical character of a story, stating that the twelve Etruscan cities from Veii to Arretium, not one of which is even said to have been besieged, much less taken, were induced to submit to a master by the single battle of Eretum; and consequently that of the whole war, in spite of the triumphal Fasti. At the same time this union of Rome with Etruria may perchance be one of the very few historical facts belonging to those ages[919]. But even if Rome was the capital of a king, who ruled over Etruria, and with whom Tarquinius, from his name, was identified, and if that king embellisht it with works such as could only be executed by the powers of a great nation, who is able to vouch that Rome conquered Etruria? and that it was not a Tuscan that fixt his abode at Rome, in the central point of Etruria, Latium, and the land of the Sabines?

The legend that Servius Tullius was born in slavery, though generally adopted even by such as did not believe the story of his marvellous conception, was probably

* Dionysius, II. 37: Livy, v. 33.

[919] Certain authors read by Strabo (v. p. 220. a.) spake also of Tarquinius as the benefactor, and doubtless as the ruler, of Etruria.

occasioned by his name: or at least that seemed to establish its truth. Now most of the explanations which the Romans gave of their ordinary names, are just as absurd as it would be to explain many of our own common ones by means of Teutonic roots: for the Roman are of Sabine or some other forein origin, as even Varro, the most capricious of all etymologers, allows. If we are disposed however to accede to what has a plausible look, and so to adopt the derivation given by Festus and Probus for the names *Manius* and *Lucius*, we may find an analogous and suitable meaning for *Servius* or *Seruius;* to wit, a child born in the evening, from *sero*, like *Manius* from *mane*[920].

After all, the most remarkable of the Roman kings, whose personal existence the history of the constitution cannot refuse to recognize, is in all the narratives of our historians as much a mythological being as Romulus or Numa. We look about for firm ground: and had nothing but those fictions been handed down, I should not scruple to follow the track pointed out by the relation between the king who preceded him, and the lesser houses. The Tullii are mentioned among the Alban houses by Livy: hence it would be probable that Servius also belonged to the Luceres. I would go further, and conjecture that he may have been the offspring of a marriage unsanctioned by the state with a Latin woman of Corniculum. But whatever weight may be attacht to these probabilities, it requires more courage than any other conjecture in my work, to speak with confidence on this head. For by a document, which itself has been preserved in an extraordinary way, Servius is transported into a totally different region, but is placed where we should never have lookt for him.

[920] The name of the Servilian house besides justifies us in conjecturing, without fear of going wrong, that there was a hero named Servius in the Roman mythology.

The most credulous upholders of what commonly passes for a history of the early ages of Rome, could not decline a challenge to abide by the decision of Etruscan histories, if any strange good luck were to supply us with such in an intelligible language. For they must grant that the literature of Etruria was far older than that of Rome; and that the earliest Roman historian must have lived a full century later than the time when the Etruscan annals were composed; if these were written in the eighth secle of their nation *. Now we do find an account of what these annals related about Servius, in the fragments of a speech made by the emperor Claudius concerning the admission of some Lugdunensian Gauls into the senate: which fragments are preserved on two tables discovered at Lyons in the sixteenth century [921], and since the time of Lipsius have often been printed in the notes on Tacitus, but probably have seldom met with a reader. And on this point the author of the Tyrrhenian history is unquestionably a trustworthy witness.

Claudius begins to recount, from the origin of the city, how often the form of government had been changed, and how even the royal dignity had been bestowed upon foreiners. Then he says of Servius Tullius: according to our Annals he was the son of the captive Ocresia: but, if we follow the Tuscans, he was the faithful follower of Cæles Vivenna [22], and shared all his fortunes. At last, being overpowered through a variety of disasters, he quitted Etruria, with the remains of the army which had served under Cæles, went to Rome, and occupied the Cælian hill, calling it so after his former commander.

* Above, p. 139.

[921] It may be found in Gruter, p. DII.

[22] *Caeli* might look like the genitive of *Caelius*: but the impression does not mark a long *I*; and Claudius, from his love of what was antiquated, declined *Caeles* in this way, like *Persi*. The Etruscan gentile names ended in *na*, as those of the Romans did in *ius*: such are *Caecina*, *Spurinna*, *Perpenna*, and here *Vivenna* and *Mastarna*.

He exchanged his Tuscan name Mastarna for a Roman one, obtained the kingly power, and wielded it to the great good of the state[923].

Now Cælius or Cæles Vibenna, and the settling of his army at Rome on the hill named after him, were known to the Roman archeologers, and even mentioned in the Annals. According to them, Cæles himself came to Rome: but, as Tacitus observes[24], the statements as to the king in whose reign he came, differed greatly. He himself assumes that it was under Tarquinius Priscus: and a mangled passage of Festus, where Cæles and Vibenna are moreover said to have been brothers, seems to have agreed with him[25]. On the other hand the same Festus in another passage, along with Dionysius and Varro[26], places him in the age of Romulus during the Sabine war. Both statements make him come, by the invitation of the Roman kings, to assist them. In all these stories, as in the Etruscan one, he appears as the leader of an army raised by himself, and not belonging to any state, like the bands of the *condottieri*, sometimes

[923] Servius Tullius, si nostros sequimur, captiva natus Ocresia; si Tuscos, Caeli quondam Vivennae sodalis fidelissimus, omnisque ejus casus comes; postquam varia fortuna exactus cum omnibus reliquiis Caeliani exercitus Etruria excessit, montem Caelium occupavit, et a duce suo Caelio ita appellit*atus* (write appellit*avit*), mutatoque nomine, nam Tusce Mastarna ei nomen erat, ita appellatus est ut dixi, et regnum summa cum reip. utilitate optinuit.

[24] Annal. IV. 65.

[25] V. Tuscum Vicum: we ought probably to read *secuti* for *secum*, were it allowable to emend a passage where the gaps cannot be filled up with certainty.

[26] Fest. Epit. v. Coelius Mons: Dionysius, II. 36: Varro, de L. L. IV. 8. p. 14. I will remark here by the way that the diphthong *oe* in the name of the hill and of the Etruscan commander, as well as of the Roman family, is an entire mistake, and that we ought always to write *Caelius*; and besides, that the Florentine manuscript of Varro, instead of *Coelio*, has *Caele*, which Victorius seems to have overlookt.

serving a master for pay, at others pillaging and exacting contributions on their own score. We read several times of foreiners levying men in Etruria, and that too in early ages *; a practice out of which such dangerous bodies of troops might easily arise.

I have already remarkt, that the Lucumo mentioned in the Sabine war is no other than Cæles, who was transplanted into the age of Romulus [927], because Lucerum had existed from time immemorial by the side of Rome, and the Tuscans on the Cælian were taken for Etruscans. This trace leads us further. Such was the multiplicity of the legends, it is exceedingly probable that in some other the supposed Lucumo Tarquinius was identified with this very Tuscan leader. In that case the calling up of the lesser houses, or of the Luceres, answered to the settling of Cælius and his followers. I likewise suspect that there was a connexion between the Roman legend of Tarquinius, the assumed supreme head of all Etruria, and the Etruscan one of the conqueror Tarchon [28], the founder of Tarquinii, who was born with the wisdom and the grey hairs of old age. This Tarchon however, a descendant of Telephus, was only claimed by the Rasena, as Hector and the Teucrian heroes were by the Greek inhabitants of Ilium. He belongs to the Tyrrhenians, and was probably the hero who gave name to the house of the Tarquins.

Here I pause, convinced that, though a few points in the dim distance may appear distinguishable from the hight, he who would descend to approach them, would forthwith lose sight of them, and, having no fixt point

* Above, p. 129, note 403.

[927] Above, p. 297. Dionysius, II. 37. Compare Varro, de L. L. IV. 9. p. 17.

[28] Schol. Veron. on Æn. X. *Archon* and *Darchon* however must surely be blunders of the scribes. See Strabo, V. p. 219 d above, pp. 37, 116. note 362.

to steer by, would wander on a fruitless journey further and further from his course. The Etruscan story, had it come to us immediately and authentically from the old Etruscan annals, could not be gainsaid, but would be irreconcilable with all the rest of Roman history: nor would it lead to any results. But, while we take into account that Etruria continued to flourish until the time of Sylla without losing her national independence, we may also regard it as certain that during all that period there was a succession of annalists, among whom, as among the Roman, the later always knew more than his predecessors, without having any fresh sources of information. Wherever judgement was requisite, Claudius was incapable of exercising it: and supposing that the ancient tale of the faithful and persevering Mastarna's retiring to Rome had been attacht to Servius Tullius through national vanity by any Etruscan writer, however late his age, or arbitrary his procedure, Claudius would have been unable to distinguish this from a genuine tradition.

I will not pore any longer over these questions. This representation however, like the ordinary one of L. Tarquinius Priscus, clearly implies a belief that there was a time when Rome received Tuscan institutions from a prince of Etruria, and was the great and splendid capital of a powerful Etruscan state.

Critics, who perceived that a part of the religious knowledge possest by the Romans had an Etruscan character, as was proved by the practice, retained down to late ages, for the Roman youths to study at the source of oral tradition*, and that all the profane sciences prevalent at Rome, before the introduction of Greek literature, were of Etruscan origin,—and who believed the evidence affirming that many of the political institutions, and even the names of the ancient tribes[929], came from the same

* Above, p. 122, note 377.

[929] Volnius, quoted by Varro, de L. L. IV. 9. p. 17. See p. 135, note 415.

source, — were long ago led to the conviction that the Etruscans were a much more important element of the ancient Roman nation than they are said to be, at least by any writers now extant. Accordingly, when the tale of the Alban origin of Rome had been excluded from history, the first bent of thought was to assume that it was an Etruscan colony. To go thus far, against all ancient authority, was more than bold. But he who contends against rooted prejudices, digging to the bottom of them, and resolved to upset their dominion, cannot possibly keep entirely free from excess: he is led into it by the contemptible aspect which everything connected with the old errour wears in his eyes. Moderation can only come in after the victory is achieved. Then is the time to look into the erroneous opinion, which had previously been current, for those features of truth which had been crusted over: and the restoring this truth to honour, when purified from what had made it worthless, is a delightful reward, to which an honest man will joyfully sacrifice his hypothesis.

As such a reward I esteem my persuasion, in the first place, that at Rome, as in Etruria, a very great part of what was regarded as Etruscan, came from the Tyrrhenians, and consequently was by no means forein to the Latins; and next that that operation of Etruscan influence upon Rome, which by the Romans was connected with the government of the first L. Tarquinius, by the Etruscans with the settlement of the army of Cæles, is enough to account intelligibly for the rest: so that it is not necessary to deny the Latin stock of the first Romans. I have gained the conviction that, considering the lateness of the times when Cære was still spoken of as the Pelasgian Agylla, its conquest by the Etruscans, and consequently their advance to the Tiber, previously to which they could not have establisht a colony at Rome, cannot be referred to very remote ages; and that, before the time of the Etruscans, the Sabines were a powerful

nation in these parts. The point of most importance would be, that the names of the tribes were Tuscan. But is it at all likely that the etymological explanations given by Volnius were happier or surer than Varro's Latin ones? even if he did not abuse his advantage that no one was capable of forming a judgement on what he said.

The Etruscans at one time were masters of Rome; even if it was only during the passing conquest by Porsenna. Perhaps one of the three states in its neighbourhood conquered the city; or the army of Cæles, or some other such, establisht itself there. The former notion, and the conjecture that Cære planted a colony at Rome, derive considerable probability from the franchise shared by and named after the inhabitants of Cære, and from the affinity between the religious worship of the two towns. The citizens of the genuine Roman colonies had the franchise of Rome without a vote; and, so far as it could have any value for a Roman, he had the franchise of the colony. Had any such town, Antium for instance, or Ostia, made itself independent, and grown powerful, while Rome sank, and had it still retained its ancient institutions; in that case the right to such a franchise there might have been denominated the right of the Romans. A like state of things would well account for the origin of the Cærite franchise at Rome. There is a good deal of plausibility too in the derivation of the word *caeremonia* from Cære; slight as in such matters is the authority of the Roman grammarians who give it. And one is naturally ready to embrace this explanation of the fact, that, when the Gauls attackt the city, the sacred treasures of the Roman state were conveyed for refuge to Cære *, in preference to other places not more remote. Still all this does not amount to a proof. Who can tell how far this connexion was a connexion with Agylla, and how far with Cære? Besides the wish to introduce genuine Etruscan

* Livy, v. 40.

laws would have led an Etruscan soverain to send for priests and teachers from the nearest city of his own people: thus a permanent intercourse between the Roman and Cærite priesthood might be establisht: and a community of franchise existed at times even with a totally forein race. The close union between Rome and Latium, the constitution of the centuries, which was at once common and peculiar to them, are altogether incompatible with the hypothesis of an Etruscan colony; but may be reconciled with that of a very powerful action of Etruscan influence. If anybody pretends that he can decide with confidence in questions of such obscurity, let none listen to him *.

The want of any historical information with regard to the Etruscan dominion at Rome does not arise merely from the same general causes by which history has been destroyed and perverted. In times when no written documents exist in a permanent form, a people that has delivered itself from a forein yoke, seeks to blot out the memory of its having ever pined in servitude. Thus, after the revival of ancient literature, the Italian historians, ashamed that their country should be governed by barbarians, fabled that Narses had driven the Goths, Charlemagne the Lombards, out of the whole of Italy, and had restored it to the Romans, purged of the strangers and of their laws.

The story of the death of Servius, which has lived for two thousand years, and will live as long as a recollection of the Roman kings endures, may be as devoid of historical truth, as that the Tuscan chief Mastarna was the son of Ocrisia: Tullia's crimes may be no less imaginary than those of Lady Macbeth. But thus much is

* To understand the foregoing paragraphs, the reader should be aware that the author in his first edition inclined strongly to suppose that Rome was of Etruscan origin, and even started the conjecture that it might be a colony from Cære.

infallibly certain, that the laws of the man who called the commons to freedom, were for the most part rendered abortive. Whether this counter-revolution of the patricians was effected by mere threats, and a crafty usurpation of power, or was attended with bloodshed and atrocities, is of very little importance. The fact and its fruits are recorded in the tradition as the reign of Tarquinius the Tyrant.

On the other hand those wholesome laws, the perfecting of the state, and the completion of the city, which presuppose an earlier condition, such as may aptly be termed the Romulean, shed glory over the reigns of the first Tarquinius and of Servius. The investigation of these points leads me back again to something that is really historical, and stands on a sure basis.

THE COMPLETION OF THE CITY.

THE festival of Septimontium preserved the remembrance of a time when the Capitoline, Quirinal, and Viminal hills were not yet incorporated with Rome: but the rest of the city, with the exception of the Aventine, which was and continued to be a borough, formed a united civic community, to the extent afterward enclosed within the wall of Servius[930]. It consisted of seven districts, which still retained each its own holidays and sacrifices in the age of Tiberius[31]: Palatium, Velia, Cermalus[32], Cælius, Fagutal, Oppius, Cispius[33]. Not that every one of these places had a claim to be called a hill. One unquestionably, and perhaps a second, lay in the plain at the foot of a hill. Others were hights,

[930] Varro (IV. 5. p. 11), according to the Florentine MS, considers Septimontium as the ancient name of the place where the city afterward arose: Ubi nunc est Roma Septimontium.

[31] The members of these guilds must be the *montani* who appear in the declamation *Pro domo*, 28 (74): nullum est in hac urbe collegium, nulli pagani, aut *montani*. The *plebs rustica* cannot possibly be alluded to in this place.

[32] The spelling this name with a C, not a G, is establisht by Festus, by the Florentine MS of Varro, and by Plutarch, Romul. c. 3; the termination *us*, not *um*, by the epitome of Festus.

[33] Festus, v. Septimontium. Beside these he also mentions the Subura; that is, one district more than seven. This however was the *pagus sucusanus*, or belonged to it: hence the Suburans were *pagani*, not *montani*. They may have taken part in celebrating the Septimontium, from belonging to the liberties of Lucerum, not of Quirium.

which in later times were reckoned along with some neighbouring hill, as part of it, with the view of having no more than seven hills in Rome: for, even in regard to this division, a form derived from an early age and a petty state of things was subsequently stretcht by the Romans to fit a very enlarged one[934]. The Velia was the ridge which runs from the Palatine toward the Carinæ, the site of the temple of Peace, and of that of Venus and Roma[35]. Oppius and Cispius are the two hills of the Esquiline. But the Cermalus is the spot at the foot of the Palatine, where the Lupercal and the Ficus Ruminalis were, and where, before the first Tarquinius, the ground, when the waters were high, was flooded from the Velabrum. So that it is by no means necessary to suppose that the Fagutal was a hill: and since it is incredible that the wide and convenient plain between the Palatine and the Cælian, Septizonium and the Colosseum, which did not need draining like the lower levels, should have been unoccupied by buildings, and without a name, it seems to me most plausible to look on this as the Fagutal[36].

These places, which had sprung up near one another, were not united by any ringwall. I have already markt out the line of the fortifications in the pomerium of Romulus, and hinted that, on the further side of the Via

[934] Not only did the Romans never reckon more than seven hills; but when Augustus divided the city into regions, though it was entirely for practical purposes, he determined their number by doubling that of the oldest divisions. Christian Rome too was very early divided into seven regions.

[35] For the Carinæ, as all the older topographers perceived from the continuance of the name, *le carre*, and from observation, was the neighbourhood of S. Pietro in Vincola: and under the Velia lay the temple of the Penates, in a street leading from the Carinæ to the Forum; perhaps San Cosma e Damiano.

[36] The notion that the Fagutal was a part of the Esquiline rests on the misinterpretation of a passage in Varro (IV. 8. p. 15), which says nothing of the kind.

del Colosseo, it abutted on the mound which protected the Carinæ [937]. In the valley beyond, under that mound, lay Subura, which was then a village [38]. The Cispius and the Cælian, we are to suppose, were strengthened after the ancient Italian method, by steepening the sides of the hill, and, where the ground did not allow of this, by a wall and ditch. The Aventine, lying insulated, admitted of being easily fortified.

The part most in need of defense was the flat between the Palatine and the Cælian: for this was the only place where there were open plains. As the ground abounded in landsprings, a moat running from the edge of the Aventine toward the neighbourhood of the Porta Capena, itself supplying the earth for a wall, was the fortification which nature pointed out. This was the line of the Marrana, or ditch of the Quirites, mentioned among the works of Ancus [39]. Here alone can it be lookt for by any one who calls to mind what was then the state of the city, and not upon the plain where the wall of Servius was afterward erected: for the Quirinal and Viminal did not yet form part of Rome.

The establishing a local communication to unite Septimontium with the hills of Quirium on the one side, and on the other with the Aventine, was the beginning of a new city. It commenced with the building of the Cloaca Maxima, which carried off the collected waters of the Velabrum, and which its founder made of such dimensions that it could receive still larger affluxes. Without encroaching on the domain of Roman topography, a historian may record of this astonishing structure, that its

[937] Above, p. 288. Varro, de L. L. IV. 8. p. 15. Subura sub muro terreo Carinarum.

[38] Varro, in the same place: *Subura*, Junius scribit, ab eo quod fuerit *sub* antiqua *urbe*, — quod subest ei loco qui terreus murus vocatur. Sed ego a pago potius *Sucusano* dictum puto *Sucusam*. Pagus *Sucusanus*, quod *succurrit* Carinis.

[39] Above, p. 353.

innermost vault is a semicirle, 18 Roman palms in width and in highth; that this is inclosed within a second, and this again within a third; and that they are all formed of hewn blocks of *peperino*, 7 ¼ palms long, and 4 ⅓ high, fixt together without cement. This river-like sewer discharges into the Tiber through a sort of gate in the quay; which is in the same style of architecture, and must have been erected at the same time; for it dams off the river from the Velabrum, which was redeemed from it. This Cloaca sufficed only for the Velabrum and the valley of the Circus. Far more extensive structures were requisite to convey into it the waters drained off from the land about the Forums and the Subura, together with what came down from the hills. And a vault no less astonishing than the one just described was discovered during the excavations in the year 1742[940], passing off from the Velabrum, under the Comitium and the Forum, as far as S. Adriano, 40 palms below the present surface. The nature of the ground plainly shews that it might be traced from thence under the Forum of Augustus[41] up to the Subura[42].

The part of it however then uncovered, between the Fenili and S. Adriano, must be of a much later age than the Cloaca in the Velabrum. For Ficoroni, an extremely estimable authority, mentions, only cursorily it is true,— but he was an eyewitness, and cannot have used a wrong word here,— that it was built of *travertino*: and

[940] Ficoroni, Vestigia di Roma, p. 74, 75.

[41] Which Hirt and Piale have recognized in what since Donati has been called the Forum of Nerva. The vault must pass under the Arco de' Pantani: that enormous wall can never have been built directly across it.

[42] Of which express evidence is contained in the lines of Juvenal, v. 104, 105:

Tiberinus——
Vernula riparum pinguis torrente cloaca,
Et solitus mediae cryptam penetrare Suburae.

this material did not come into use till long after the time of the kings, who employed Alban or Gabine stone. From the very first indeed there must unquestionably have been a sewer from the Subura: else the Forum could never have been constructed. But this object might be attained, though not permanently, by means of such drains as are built at present. Dionysius relates from C. Acilius[943], who wrote after 570, that a thousand talents, near two hundred thousand pounds of our money, were once spent by the censors in improving the sewers. For sewers like those we now see, there could never have been need of laying out a single as. Earthquakes, the pressure of buildings, the neglect of fifteen hundred years, have not moved a stone out of its place; and for ten thousand years to come those vaults will stand uninjured as at this day. But if, in the room of an imperfect structure needing repairs, they substituted an indestructible one like that of Tarquinius, executed with the stone then in higher esteem, this might require that sum, yet, if carelessly related, might pass for nothing more than a reparation[44]. That the waters from the valley of the Circus likewise flowed into the Cloaca Maxima, is evident: so probably did those from the Forums between the Capitoline and the river. On the other hand the drainage of the seventh and ninth regions formed a completely distinct system; and the notion that, in the name of the church of *S. Ambrogio in maxima*, the word understood is *cloaca*, is utterly untenable[45].

Since the Esquiline was already part of Septimontium,

[943] The Vatican MS gives Ακιλλιον, instead of Ακύλιον: III. 67.

[44] The period after the first Punic war, when the contribution of Carthage, amounting to above six hundred thousand pounds (Polybius, I. 63), flowed into the Roman treasury, was most probably the time when this work was executed. We can hardly conceive that the luxury of *travertino* prevailed earlier.

[45] The true word is probably *porticu*.

Livy's account that Servius Tullius erected buildings and increast the population upon it, but that the hills he united with the city were the Quirinal and Viminal[946], gives a much correcter view of the gradual progress with which changes are brought about, than the statement which includes that double hill among those first taken into the city by Servius. That nothing but insulated villages stood in those days on the Oppius and Cispius, may be inferred, because, in the distribution of the city into four regions, Subura and the Carinæ made part of the Cælian region, not of the Esquiline *.

In a military point of view the union of the whole city was effected by the erection of the wall. The connecting the Colline region with the Esquiline was so entirely dependent upon and the consequence of such a wall, that here again Livy, who, following older accounts, calls Servius its builder[47], proceeds with much more consistency than Dionysius and Pliny, who ascribe it to Tarquinius the Tyrant[48]. But with whatever name it may be associated, it was scarcely a less work than the Cloaca, and

[946] Livy, I. 44. Addit duos colles, Quirinalem, Viminalemque. Inde deinceps auget Esquilias, ibique ipse habitat. Only he ought to have mentioned the Capitoline hill along with the other two.

* Varro, de L. L. IV. p. 15.

[47] Aggere et fossis et muro circumdat urbem.

[48] Strabo does not by any means speak so distinctly in favour of Servius, as at first sight it seems: IV. p. 235. c. And the fancy that Dionysius knew it to have been his work, only forgot to mention that the wall which he attributes to Tarquinius (IV. 54) was a different one, could never have occurred except to Nardini, the corrupter of Roman topography, which before his time was much better understood. If the city was left open or weakly fortified on this side, where the Quirinal and Viminal descend by a gentle slope into the plain, it did not make the slightest difference whether the Gabines hit upon this weak spot as they came along the high road, or whether, to get to it, they were forced to cross the country for half a Roman mile to the right. In a Tuscan war, as the city was covered by the Tiber and Anio, such weakness was far less dangerous.

worthy to excite the astonishment of Pliny*, although the Colosseum had been built in his time by the incalculable riches of the empire. This mound extended from the Colline to the Esquiline gate, seven stadiums or seven eighths of a mile. Out of a moat above a hundred feet broad and thirty deep, — for there is no stone here, only *puzzolana*, — was raised a wall fifty feet wide, and consequently above sixty high, faced toward the moat with a skirting of flagstones, and flankt with towers. But the Colline gate was situate where the Quirinal had already sunk to a flat level; and a similar wall connected it with the western steeps of that hill[949], where we may place the boundary of the ancient Sabine town.

The Viminal, at the time of its being taken into the city, seems to have been entirely uncultivated, and overgrown with osier thickets; whence its name; as that of the Esquiline came from its oak-woods[50]. This enlargement was the idea of a mind that trusted in the eternity and the destinies of the city, and was preparing a way for its advance. We are not to suppose that a regular town existed in the part near the wall till long after. Before it arose, the fortified enclosure received the peasantry with their cattle in time of war, and afforded a safe place of pasture, like the long walls of Athens. Besides there is singular correctness in Cicero's expression, that Rome stands on a healthy spot in the midst of a pestilential country[51]. The air in the neighbourhood of San Lorenzo must have been just as noxious in summer then as now: nay, even between the wall of Servius and the present walls, on the Esquiline and Viminal fields, it is unhealthy; and the countryfolk then

* H. N. III. 9.

[949] Nibby, Mura di Roma, p 110.

[50] From spots covered with the tallest kind of oak, the *aesculus*: see Voss, on Virgil's Georgics, II. 16. In Varro's time this hill was still full of small sacred groves. de L. L. IV. p. 15.

[51] Locum in regione pestilenti salubrem : de Re p. II. 6.

as now must have retired during the summer months into the city; so that dwellings were wanted for them[952]. They may have found them on the Esquiline, as may others on the Aventine and Cælian: and this explains how it came to pass that Rome, where trade was only carried on for the mere necessaries of life, and where both the burghers and the commonalty consisted wholly of farmers, had so large a compass, and yet the country in those days was not left without inhabitants. When the vintage and regular field-labours begin, the bad air has past away, and the peasant may again spend the night on his field: and when it returns, he has harvested his corn. On the east and south the wall of Servius seems accurately to follow the limit markt out by nature for the city: on this side no blessing has attended the overstepping his inaugurated pomerium. And still the people unconsciously acknowledge his ancient Rome to be the true city: the vine-dresser or gardener about the Lateran or Santa Bibiena says, he is going to Rome, or coming from it, just as much as he that lives without the walls of Aurelian.

The mound just described, and such lines as it was necessary in other places to carry across the vallies, and the towers and walls at the gates which barred an ascent, were the only works raised by man: elsewhere the city was fortified solely by the steepness of its hills[53]. When the Gauls had clomb up the Capitoline, they were in the citadel: so it cannot have been protected by any wall. The circumference of the city, a little larger than that of Athens[54], did not measure six miles. On the Janiculum there may have been a fort: but the notion that

[952] For determining the site of such Latin towns as were destroyed in early times, the air may serve as a negative criterion. They are all to be lookt for upon the hills: and no place where the country-people cannot live through the summer, can well have been a town 2500 years ago.

[53] Dionysius, IX. 68.

[54] Dionysius, IV. 13; IX. 68.

walls came down from it, and reaching to the Tiber covered the bridge, is utterly erroneous. The bridge was out of the city[955]. The wall stretcht from the Tarpeian rock along the Aventine, between the Circus and the river, and may still be traced, where a continuous ridge of rubbish cuts across all the allies in the Velabrum.

These works, and the building of the Capitoline temple, give irresistible evidence that Rome under her later kings was the capital of a great state.

[955] The proofs for these assertions, which are by no means newly taken up, will be given in another place.

THE SIX EQUESTRIAN CENTURIES.

THE increase of the senate, whereby the number of senators was raised to three hundred, is ascribed to the first Tarquinius by every writer, except Tacitus, who mistakes the character of the lesser houses[956]. On the other hand there are great discrepancies in the statements as to the number he introduced: with regard to which, and to my opinion that the increase was effected by admitting the third class, it would be an idle repetition for me to speak again[57].

The most difficult point however in the whole early history of the constitution is the formation of the three new centuries attributed to the same king: an innovation which, being confined to an enlargement of the Romulean constitution, is placed, in consonance with the spirit of such personifications, before the time of Servius Tullius while it is later than the calling up of the Luceres into the senate, by which act that constitution received its complete development. If the Ramnes, Tities, and Luceres, were in fact centuries and tribes of the houses, although the troops of horsemen were also called by the name of the tribe they belonged to; then the centuries formed by Tarquinius, and named after the old ones but as secondary to them, were likewise tribes of houses. Nor could anything less than the design of creating

[956] XI. 25: on his statement see the text to note 1158.

[57] See p. 301.

new centuries out of new houses, to stand alongside of the old ones, give occasion to the extreme violence with which Navius opposed him, and to the miracle wrought in support of it. A mere change in military arrangements would never have met with such unbending resistance, even from the most stiffneckt of augurs. Thus much is clear, that the soverain wisht to form three new tribes of houses, partly out of his own retainers, partly from among the commons, and to name them after himself and his friends; so that there would have been six of them. Nor is it less clear that Attus Navius, acting in the spirit of the old citizens, withstood the king to the utmost, and even called in heaven to his aid. Was the prince who conceived this project, really Tarquinius? or was he an Etruscan? If he yielded to the resistance of the nation, he certainly cannot be regarded as a conqueror. But in what sense are we to understand that he yielded? since he still formed three new centuries; which, being united with the old ones under the name of the six *suffragia*, outlived the constitution of the classes such as it came from the hands of Servius Tullius. Again how happened it that the number of the curies still continued to be thirty, as in the original three centuries or tribes? When Tarquinius purpost to create three new tribes, he must have intended to divide these, like the former three, into thirty curies, and to establish that number of new ones. This however did not take place.

There are only two suppositions, it seems to me, which can help us to solve this enigma. We may assume that the original three hundred houses still existed in their full complement; and that the same number of new ones were either formed, or, being already in existence among the commons, were admitted into the body of burghers; so as to assign ten new houses to every cury, the number of the curies remaining as before, but, inasmuch as each cury was now twice as numerous, only

five curies instead of ten being reckoned to a century, which even thus would contain a hundred houses.

It is much more probable however that, when the alteration took place, the houses had long fallen short of their original number. For every exclusive aristocracy, which does not replace such houses as become extinct, dies away; and with precipitous rapidity, if it be strict in insisting on purity of descent; so that it must sink into an oppressive and hated oligarchy[958]. Now supposing that some half of the houses were become extinct, that each cury on an average no longer contained more than five, then, if the remainder, amounting to about a hundred and fifty, were collected together into half the number of the original curies, and the vacant fifteen were filled with newly adopted houses, the ancient proportion of ten houses to a cury remained undisturbed.

And this latter hypothesis is confirmed, and almost establisht, by the statement that Tarquinius doubled the senate, raising its number from 150 to 300; just as the doubling the cavalry and the centuries is ascribed to him. Only here two changes are confounded, between which

[958] Let any one compare lists of the families of freeholders in any German province several hundred years ago and at present. Formerly they were a considerable portion of the whole free rustic population: how many in a hundred are there now in the same province? where a part of the gaps has not been filled up by families of strangers settling amongst them, or by the rise of new families from among the old inhabitants. And after all what has been filled up is no more than a small part. Among the ancients, in the common course of things, a replenishment of this sort was impossible.

There are oligarchs, who regard the share of the aristocracy in the administration of government as a *tontine*, where the total property belonging to the survivers continues unchanged, and every individual finds himself all the better off, the more of his comrades have died away.

In Zealand the nobles were become wholly extinct: in Holland they were so within four or five families: the free peasantry in northern Holland were not admitted into the states. Hence the towns of necessity acquired exclusive possession of the government.

a considerable interval would probably elapse. If every house had a member to represent it, the senate of the first two estates, after many of the houses had become extinct, can no longer have amounted to two hundred: and the third estate also must have been unable to depute a hundred senators, long before its council was incorporated with the supreme one. The calling up of the Luceres therefore would be far from raising the senate to three hundred, as it would have done if the complement of houses had been full: and, without weighing the numbers too minutely, we may combine the two statements, which represent the senate, the one as having been increast by a hundred, the other as having been doubled; the former being effected in conformity to the original plan of the constitution, the latter by creating the three new centuries. The first of these measures must have been the earlier; but the second too must have preceded the legislation of Servius.

One might strain ones ingenuity in considering whether the new equestrian centuries were not likelier than those of the third estate to be called the lesser ones. In such dim twilight all appearances are deceptive. I rather incline however to believe that each of the additional centuries shared in the honours of its elder namesake; because the colleges of priests continued to be filled exclusively from the two superior estates, each of which appointed two, corresponding to its two centuries. In like manner all the six centuries were represented by the six Vestals *.

Instances are not proofs, but in history are scarcely of less force; above all where they exhibit a parallel in the progressive development of institutions. The following is the history of a constitution consisting of curies and houses, which will shew that the changes and developments suggested in the foregoing remarks are not arbitrarily devised: and since the place where this

* See p. 302.

constitution existed is intimately connected with our classical recollections, the account of it is by no means alien to this work.

It was a pleasing thought of the Neapolitan jurists, that the *seggj* of their native city had arisen out of the Greek phratries: and if it be a delusion to derive the old and perplexing name of those bodies, *tocchj*, from the Greek θῶκοι, yet it is hard to keep oneself from being led astray by it. At all events that derivation must not pass for more than a venerable reminiscence. For substantially all that we can expect to find in Naples under its dukes, as in all the other free cities dependent upon the Roman throne at Constantinople, is a constitution arising out of the municipal institutions of the western empire, an *ordo* and *possessores*. These proprietaries, whose nobility consisted, like the εὐγένεια of the Greeks, in hereditary birth and hereditary wealth, were registered according to their lineage in *tocchj*, which were connected with particular districts of the city, and were of two kinds. Of the great *tocchj*, according to the earliest mention of them, there were four, to which two were afterward added. The number of the lesser cannot be determined, since they are only spoken of incidentally. The former may be compared to the tribes, the latter to the curies; with this difference, about which there can be no question, that both were open to receive new citizens. *Tocchj* was the ancient name for their places of assemblage or chambers, their *curies:* but under the kings of the house of Anjou they obtained that of *seggj*.

These kings, who pursued a system of grounding their usurpation on feudality and a military nobless, changed the character of the Neapolitan citizens, by their readiness to bestow knighthood on the wellborn, and even on the rich: and since the forein nobles who resided in the capital, took care to be enrolled in the *seggj*, the consequence was, that, at the time when everywhere else the power of the noble houses in the towns was sinking, at

Naples an aristocracy of houses was introduced. The newly admitted citizens must have entered immediately into the six great *seggj*: for the lesser gradually disappear; because, as is expressly stated, the few families left in them became extinct.

Thus only the six great *seggj* remained: and these by the union of two were reduced to five; probably with a view of giving the vacant one to the commonalty, against whom the tribes on becoming noble had been shut; and who in this country could not succeed in establishing anything like corporate institutions, while the kings were in need of their aid against the turbulent nobility.

The five noble *seggj* were not absolutely closed. But the reception even of noblemen was so obstructed, that the number of families in them continually lessened; while there was a continual increase of the nobles who resided in the city, without being admitted among the members, and who yet were superior to many of them in rank and honours. This is the parallel to the state of things I conceive to have existed at Rome, when the reformer, whom we call Tarquinius Priscus, was desirous of forming new tribes. The last-mentioned families made interest with the Spanish kings, that they would vouchsafe to erect a new *seggio*: but, wretched and paltry as were the privileges of a Neapolitan patrician, the jealousy of the oligarchy opposed their reasonable request, and yet was just as unwilling to receive them and distribute them among the existing *seggj**. In course of time however it gave way in single exceptions: and thus things went on, until the revolutionary government of 1799 got rid of the *seggj* and *eletti*, and the restored one availed itself of this riddance, no less than of that of every other corporate institution, which presented even the shadow of a limit to its arbitrary will, as so much gain to itself. Indeed this municipal constitution had long since become

* Giannone, xx. 4.

so worthless and open to abuse, nay so mischievous, that its venerable origin excited no interest at the time of its abolition; nor is its loss now felt.

Every person had a vote in a *seggio*, who belonged to any patrician family enrolled in it, whatever his residence might be. In fact this institution was far more a representation of the barons of the whole kingdom, than of the citizens, or even the nobless of the city.

Had Naples been the capital of Campania alone; had its constitution lived and grown, enlarged and completed itself, in that case the *ottine* of the people would have become plebeian tribes, in the same way in which the Roman commons obtained a constitution, and thereby multiplied the vital energies of the republic.

THE COMMONALTY,

AND THE PLEBEIAN TRIBES.

In every state, the constitution of which has been grounded on a certain number of houses, a commonalty[959] has grown up or subsisted by the side of the burghers or the freeholders. The members of this commonalty were not only recognized as free, but also as fellow-countrymen: they received like succour against foreiners, were under the protection of the laws, might acquire real property, had their motes for making by-laws and their courts, were bound to serve in time of war, but were excluded from the government, which was confined to the houses[60].

The origin of such a commonalty, though admitting of many varieties, in cities mostly coincides with that of the rights of the pale-burghers; of the dwellers within the pale, or the *contado*[61]. But it increast in extent, and still more in importance, when a city acquired a domain, a *distretto*, containing towns and other small places. The inhabitants of such a domain were sometimes taken

[959] *Il commune.* When a number of such commonalties exist in a large state, along with the ruling part of the nation, they are *les communes, the commons.*

[60] This was also the condition of the proselytes of righteousness in Judea. Those of the gate answered to the metics.

[61] Like the English *pale* in Ireland, before James the First. In Germany they were called *pfahlbürger, pale-burghers,* which in French was distorted into *fauxbourgeois.*

in a mass under the protection of the law, and admitted to the rights of freemen: more frequently this was done for such as removed into the city: these would be persons of very different rank, gentle and simple. In like manner freemen from forein places, connected by a community of civic or national law, and bondmen who had obtained their freedom with the consent of their lords, were received into the commonalty: so that, from the variety of elements it contained, its name was fully justified by its nature.

Now since among the ancients civic trades and commerce were in low repute, while agriculture was in the highest; whereas the scale of their estimation during the middle ages was directly reverst; it came to pass that in the former period the commonalty was often made up of the inhabitants of the domain; in the latter on the other hand the neighbouring country was seldom admitted to a fellowship of rights; but a commonalty of artisans and tradesmen of all sorts grew up within the walls. These were impelled by a feeling of their necessities to unite in companies, which from their local compression develop a force such as was not to be found among the rural population. But owing to this peculiarity in their nature, the revolutions by which the commons gained the upper hand in the middle ages, had an entirely different character from that of those whereby the demus or the plebs among the ancients acquired first freedom, and then the superiority in the state. The consequences too were entirely different. The government of the traders and manufacturers made the free cities unwarlike, as Machiavel remarks with regard to Florence: that of the country-people made them bold and firm, as was the case at Rome.

As opposed to the houses, the demus, the plebs, and the commonalty are the same thing, and of the same kind. In order however to form a picture of what the plebeians were, and of the station they occupied alongside of the

citizens, let the reader take, — as an easily intelligible instance from among a multitude, — the territory of Zurich, before the change which brought the government into the hands of the guilds, when it equaled the present canton in extent, and with its nobles, its free peasantry, and its countrytowns, constituting a compact whole, was inseparably attacht to the city, in such a manner that, while the houses formed one part of the state, the free members of the commonalty in the city were united into one body with the countryfolks *.

Still this difference between a civic and rustic commonalty does not destroy the parallel in the history of the free constitutions during the two golden ages of cities. In both ages it is the history of the conflict between the privileged houses and the commonalty; the latter, feeling that it is come of age and ripe for a constitution, and a share in the government (*ἰσηγορία*); the former striving to keep it in subjection and servitude. The struggle was unequal: for a spreading growing power encountered one that was pent in and dwindling away: nor has anything but the prudent use made of some casual advantage gained by open force, or of some disaster, turned the scale against the commonalty, where this has been the result. Such a victory of the privileged houses was the worst thing that could happen: for then they always degenerated; and beneath their unlimited power the commonwealth went morally and politically to decay, as has been seen at Nurenberg. Where the disputes came to an amicable

* See Muller's History of Switzerland, Book II. chap. 2. The reader may find much light thrown on these interesting questions in the third volume of Hüllmann's *Geschichte des Ursprungs der Stände in Deutschland;* in Eichhorn's *Deutsche Staats und Rechtsgeschichte*, especially in sections 310—313, 431—434; and in an essay on the origin of the constitutions of the German towns by the same Eichhorn in the first and second volumes of Savigny's *Zeitschrift für geschichtliche Rechtswissenschaft*. In the first appendix in the first volume of Dr Arnold's Thucydides, there is a brief but very able dissertation on this subject.

adjustment by a compact and the establishment of a balance, they were followed by happy times; which might have been of long continuance, had the aim of the aristocracy been to renovate, and thus to prolong its existence: whereas, when it contracted itself and shriveled up into an oligarchy, it became impotent as opposed to the buoyant vigour of life. Often the conflict was waged with great ferocity, in cases where stubborn arrogance refused to make room for the rights of the power which was coming into being[962], or rather which already existed; nay it often mounted the higher in its pretensions, the more it ought to have lowered them. On the other hand the houses frequently yielded almost without resistance. Thus in the thirteenth and fourteenth centuries the constitutions of many Italian and German towns were changed with mutual goodwill, after the example set by some of the great cities.

A government in the hands of privileged houses, so long as they are still numerous, and actually the powerfullest, purest, and noblest part of the community, is the original idea of an aristocracy: the predominance of the commonalty is what was first denoted by the name of democracy. In later times the primitive simple meaning of the two words had fallen into oblivion; and it was then attempted to define them from some of their accidental properties. In Aristotle's day hardly any aristocracies in the genuine ancient sense were to be found. Such as had not become democracies, had long before shrunk up into oligarchies: the same power, which their ancestors had exercised, was now exercised by a much smaller number, over a commonalty become greatly more numerous and important: and in proportion as the latter felt its dignity and its rights, and the disparity became more glaring, were the rulers distrustful, rancorous, resolved to

[962] *Das Recht des Werdenden* it has been called by a Swiss writer, Troxler.

stifle what was growing up. When legislators however wisht to escape from a democracy, in the sense then assigned to it, they, like those of our times, knew of no other expedient than to take property for a standard; a measure which the philosophers held to be utterly condemnable and oligarchal. The union of an aristocracy in full vigour with a commonalty was by them esteemed the justest and soundest constitution: this they called a polity, the Italians in the middle ages *popolo*.

But the great difficulty in human institutions is to prevent their growing torpid and decaying. Even where a polity, nay a complete democracy was establisht, it would mostly so fence itself in, that a body of free men belonging to the state would spring up out of new elements by its side; and this body was essentially a commonalty, just as much so as those who had already attained to an equality of rights; only it did not bear the name; a body of free peasants or handicraftsmen, who were kept in the background, and whose exclusion, if their strength became considerable, was quite as injurious to the state, or at all events quite as unjust, as that of the others. The most signal and momentous example of this is afforded by the later ages of the Roman republic. The cause of its ruin was, that the development of its political system, which by the admission and elevation of the commonalty had made the state powerful and glorious, was checkt; that the Italian allies were not invested one by one with the Roman franchise. Instances on a smaller scale may be found in every state by which a new territory was conquered. The Bœotian districts which gave themselves up to the Athenians, enjoyed the advantages resulting from a community of laws; but their citizens did not become citizens of Athens. The territories subject to the Swiss towns had a like claim to civic rights as the guilds had had some centuries before. In my native Ditmarsh too, the Strandmen, whom the archbishopric of Bremen made over to the republic, when the aristocracy of the

houses had ceast to exist, were a commonalty; which had no voice in the public assembly, and no privileged houses.

The demus in Attica, as Solon found it, was a commonalty formed by the inhabitants of the country, divided no doubt and ranged even then into demes or wards[963]; and entirely separated from the houses: the parties, into which it split, and which the eupatrids drew into their feuds, corresponded to the local character of the land. The members of these demes were those among the posterity of the ancient Atticans, who had preserved their freedom, and had not been degraded into thetes, either by violence at the Ionian immigration, or subsequently by distress and the sale of their own persons. In the constitution of Clisthenes this demus was already become predominant in the state.

Thus too the Roman commonalty, the plebs, arose out of a medley of elements; as it was by continually incorporating such that it supported and enormously enlarged itself. Even in the original three towns a commonalty must from the first have begun to form itself, partly of persons received under the protection of the law, partly of clients, as well those who were free by birth, as those whose bondage had expired, by their emancipation with their patron's consent, or by the extinction of his race. This commonalty, had it continued merely such, would never have risen out of obscurity: the destination of the civic tribes in later times to receive citizens of servile descent is owing to this their origin. The genuine, noble, great plebs takes its rise from the formation of a domain out of the towns won from the Latins. In the accounts of the conquests of the first kings, it is stated that many of the conquered places were converted into colonies; that the others were destroyed, and their inhabitants carried

[963] In the fragment of the laws of Solon, l. 4. D. de collegiis (XLVII. 22), δῆμος is used for a corporation.

to Rome; where, along with the citizens of the colonies, they received the Roman franchise [964]. With regard to the origin of the plebs of king Ancus however, we are to suppose that, after the destruction of Alba, a portion of the Latins were ceded to Rome, by a treaty adjusting their mutual claims, and thus were placed in a like relation [65]. The names of the conquered places in the historians rest on no sufficient authority: nor can it be anything but an accident that they are all Latin towns: to whatever people these new members of the state may have belonged, their collective body formed a commonalty. Their franchise resembled that which in later times was citizenship without a vote; for a vote could not be given except in the curies: but their condition was worse than that of those who afterward stood on this footing: for they could not intermarry with the patricians; and all their relations with them were uniformly to their prejudice. Nevertheless these new citizens, scantily as they were endowed with rights, were not made up then, any more than in later times, merely of the lower orders. The nobles of the conquered and ceded towns were among them; as we subsequently find that the Mamilii, the Papii, the Cilnii, the Cæcinæ, were all plebeians.

Now that the plebeian commonalty arose out of the free men thus incorporated with the state, is sufficiently proved by the tradition that Ancus assigned habitations on the Aventine to the Latins from the towns which

[964] This state of things was not unknown to Dionysius: only he saw it in the Annals through a mist and in a wrong place; to wit, after the death of Romulus, during the feud between the Ramnes and Tities: II. 62. Hence he makes a distinction there among the patricians, between the κτίσαντες τὴν πόλιν, and the ὅπλοκοι: saying however at the same time, that among the demus many of those who had been recently admitted into the nation, that is, the inhabitants of the conquered towns, to whom Romulus had granted the Roman franchise, were discontented, because they had not received any land. Here we see the plebs, vainly demanding its share of the *ager publicus*, and what was its origin.

[65] Above, p. 355.

had become subject to Rome: for this hill was afterward the site of what was peculiarly the plebeian city. The statement that they were conveyed thither is not indeed historical: it is impossible that such an enormous population should have been amast at Rome, disabled from cultivating their remote estates. Those who chose to settle there had the Aventine allotted to them, as a suburb where they might live apart under their own laws: far the greater portion staid at home: but their towns ceast to be corporations. The territory of a place which had been taken by storm, or had surrendered unconditionally, belonged by the Italian law of nations to the state. A part of it continued to be public property, and was turned to account by the patricians for themselves and their vassals: a part fell to the share of the crown: the rest was parceled out and assigned by the kings to the old proprietors, in their new capacity of Romans. Often probably the confiscation did not extend beyond the public domain.

Here I will merely suggest the notion, leaving it to rest on its own merits, that, as in a much later age M. Manlius was lookt up to by the collective plebeian order as its avowed patron, so at the first beginning of the commonalty the kings were its patrons. At all events it is a gross errour, which leads us to take the most unjust views, to suppose that the plebeians originated out of the clients of the patricians, and must consequently have been insurgent hereditary bondmen. That the clients were total strangers to the plebeian commonalty, and did not coalesce with it until late, when the bond of servitude had been loosened, partly because the houses of their patrons had died off or fallen into decay, partly from the advance of the whole nation toward freedom, will be proved in the sequel of this history: and the most decisive expressions on the point will be quoted from Dionysius himself: for, though he had distinctly framed that erroneous notion, yet in his details he copies

the old Roman Annals, in which the correct view of the relation had not been lost *. Certain as this is, it is no less so that, whatever may have been the form of the connexion between the commonalty and the kings, they protected it against the oligarchy [966]. Assuredly they could not fail to perceive that the plebeians, in a continually increasing proportion, formed the most important part of their military force; that on them all the hopes of the future rested; and that the only way for Rome to become great and to continue so, was for its laws to sanction and promote the growth of a great Roman people out of every people of Italy.

The plebs, recognized as a free portion of the nation, existed in great numbers ever since the reign of Ancus: but before that of Servius it was only an aggregate of unconnected parts, not a united regulated whole. The natural division for a rural commonalty was into districts; and such a one we find at Rome as well as in Attica [67]. In its principle, like the division of the houses, it was adapted to the state of things already existing: but in like manner it did not merely collect the elementary parts it found, one beside the other, as chance had determined their number and variety. The territory was portioned out into a fixt number of districts; in some of which perhaps such lines of demarcation as before subsisted might be preserved unchanged; but the majority must have acquired a new form during the process of separation and reunion. When Clisthenes divided the people of Attica into a hundred demes [68], it is evident that he

* See below, notes 1306—1316.

[966] As the statholders protected the citizens in the Dutch towns against the oligarchal magistracy.

[67] φυλαὶ τριττύαι: see note 787, p. 306. Lælius Felix in Gellius, xv. 27: comitia tributa esse cum ex regionibus et locis suffragium feratur.

[68] Herodotus, v. 69. The certainty of this statement is no way shaken by our meeting with more than a hundred names in after times. For in the first place there was nothing to hinder the forming

proceeded in this way: demes he found already at hand; but such a number can never have been the work of chance. Servius too, who distributed the Roman plebs into a determinate number of tribes, assuredly did not bind himself to observe such relations as previously existed, the remains of which can only have continued in some of the *pagi*. In process of time however, as has been remarkt above, this local distribution transformed itself into a hereditary one according to families[969]. For

of fresh demes, by subdividing old ones, or by incorporating new districts: next, the lexicographers unquestionably often give the name of a deme to what was in fact a house: and lastly, at Athens too it was only in the course of time that the patricians were received into the ten tribes; and, when they were so, many houses may perhaps have entered in their corporate capacity, so as to form entire demes. See vol. ii. p. 306, note 704.

[969] See pp. 307, 308. In modern history I know no instance of the same kind in a democracy, except in the canton of Schweitz, where, until the Revolution, the soverain estatesmen were distributed into six quarters, four of them original, and two additional ones. These quarters had local names; yet it was not the dweller in a place, for instance in Arth, that belonged to the quarter of Arth; but he whose ancestors had been registered there. *Füsis Erdbeschreibung*, vol. ii. p. 245. This order of things must now have been reestablisht in substance, though modified in its application; because that part of the population of the canton, which was formerly in a state of dependence, must have been admitted into the quarters. In an aristocratical constitution, the abovementioned *Seggj* at Naples unquestionably furnish a like example: and the same principle must have prevailed with regard to the noble houses in the towns of Lombardy and Tuscany, which were registered according to their quarters, if any of the members left their hereditary strongholds, which however can seldom have happened. Whoever undertakes an inquiry into the history of the constitutions during the middle ages, ought not to overlook the hint contained in the circumstance, which assuredly is not mere chance, that in Schweitz the estatesmen, at Florence, and also at Naples, the burghers, were at first divided into four parts: to which afterward, in the former case owing to the enlargement of the territory, in the latter to that of the city, two others were added; like the third tribe at Rome. Ditmarsh too was divided into four *Dæffle*: the Strandmen never formed one.

if a person removed from Acharnæ to Rhamnus, he still continued an Acharnian, belonging to the phyle Oeneis; and so did his posterity for ever. Only doubtless there was a possibility at Athens, on shewing valid grounds for such an application, of migrating into a different phyle: and the Roman censors, who, at least in the later times of the republic, often changed the tribe of a citizen at discretion, must always have had the power of complying with requests for transfers of this sort, when made with regard to tribes enjoying an equality of rights. An incomparably more important distinction of these local tribes was, that they were not closed against new members; that, when an inferior franchise was establisht, in the place they had previously occupied, all such as appeared to deserve it, and even whole districts at once, might be elevated from this, and admitted into the plebeian tribes; and that patricians themselves could enter into them.

Every local tribe had a region corresponding to it[970]: and all the free substantial members of the Roman state, not included in the houses, who were dwelling within the limits of any region, when the constitution was introduced, were registered as its tribesmen. The region bore the name of the tribe[71]; whether it was in the city, or in the country. In the former, until Augustus divided the city according to its increast size and the exigencies of his time into a greater number of regions, the four establisht by Servius were retained. They answered to the four civic tribes[72]: and with regard to these there is no

[970] See the passage of Lælius Felix quoted above, in note 967; and that of Varro below, in note 974.

[71] Livy, xxvi. 9: In Pupiniam dimisso exercitu. See also the explanations of the names of the tribes in Festus.

[72] Three of these answered each to one of the three original towns, the commonalty of each of which accordingly formed a tribe. With regard to the Palatine and Colline this is clear: in the Suburan region the most prominent feature was the Cælian hill: Varro, de

difference of opinion. But as to the number of regions, into which the Roman territory was parceled out at the establishment of the plebeians as an estate, and consequently as to the number of plebeian tribes originally instituted, Dionysius found totally contradictory statements: and Livy must have held the difficulty to be completely inexplicable; so that he confined himself to mentioning the civic tribes, and that too in such a manner, as though none but these had been establisht by Servius. When in the Annals for the year 259 he found, and himself copied, the statement, that the tribes were now augmented to one and twenty, he probably assumed, if he took any thought about earlier times, that Servius had divided the Roman territory into sixteen regions.

Before his time a better informed person, even Cato himself, had left this point equally undetermined: and the cause of his doing so is plainly, that a greater number than twenty seemed irreconcilable with that of the year 259, which was placed beyond dispute by the subsequent gradual increase; while his good sense and honesty would not allow him to assert that twenty was the original number, in direct opposition to the older Annals, and doubtless also to the books of the augurs and

L. L. IV. 8. The rank of these however was the reverse of that of the patrician tribes: the commonalty of the Luceres became the first, that of the Ramnes the third; for which there assuredly was a reason. The Esquiline seems also to have belonged to the liberties of Lucerum; but the settlement upon it is described as formed by genuine plebeians, whether by the Latins and Hernicans in the time of Tullus (see Festus, v. Septimontio), or whether it was founded by Servius. It lay however within his pomerium, and consequently was comprehended within the ceremonial worship of the patricians, and like the other three civic tribes stood on a less honorable footing. Thus the number seven, which is perpetually recurring in the local division of the city (see note 934), is again found here within the pomerium of Servius: three districts are counted twice over, once for the patricians, the other time for the plebeians; the seventh was a mixt district, being also the site of the Vicus Patricius.

pontiffs. How the tribes increast from twenty upward was to be found related everywhere; and Vennonius, who ascribed the establishment of the whole five and thirty to Servius, is a person almost utterly unknown, and betrays unparalleled ignorance and carelessness.

But Dionysius quotes a statement from Fabius, that Servius had divided the Roman territory into six and twenty regions; so that with the four civic ones there would have been thirty, and the same number of tribes[973]: and that this singular account in Dionysius may be depended upon, is proved by a fragment of Varro, wherein some nameless person is said to have apportioned land around the city to the free citizens in six and twenty regions[74]; which surely can only refer to Servius Tullius

[973] The passage of Dionysius (IV. 15) is so important, and in such complete disorder, that I will transcribe it as it ought to be written, at the same time justifying my corrections. Διεῖλε δὲ καὶ τὴν χώραν ἅπασαν, ὡς μὲν Φάβιός φησιν εἰς μοίρας ἓξ καὶ εἴκοσιν, ἃς καὶ αὐτὰς καλεῖ φυλὰς, καὶ τὰς ἀστικὰς προστιθεὶς αὐταῖς τέτταρας, τριάκοντα φυλὰς ἐπὶ Τυλλίου τὰς πάσας γενέσθαι λέγει· ὡς δὲ Οὐεννώνιος ἱστόρηκεν, εἰς μίαν καὶ τριάκοντα φυλάς· ὥστε σὺν ταῖς κατὰ πόλιν οὔσαις ἐκπεπληρῶσθαι τὰς ἕτι· καὶ εἰς ἡμᾶς ὑπαρχούσας τριάκοντα καὶ πέντε φυλάς. Κάτων μέντοι, τούτων ἀμφοτέρων ἀξιοπιστότερος ὤν, οὐχ ὁρίζει τῶν μοιρῶν τὸν ἀριθμόν. Instead of copying the passage from the printed text for the reader to compare the two, it is enough to refer to it: and I need only remark, that I have inserted the addition found in the manuscript of Bessarion, which is probably contained in all the others; and that the change I have made is confined to transposing the words, except the omission of καὶ before τριάκοντα. The emendation suggested by Sigonius transposes two clauses; mine in fact only one: and his would force us to substitute λέγων for λέγει. The whole corruption arose from the words Κατ. μ. τ. ἀμφ. Having been forgotten, they were added in the margin; but, as this would not hold the four words, the last was written above the other three: hence the next scribe, who restored the passage to the text, but in the wrong place, thought ἀμφοτέρων was to stand first.

[74] Varro, de vita pop. Rom. I. p. 240, from Nonius Marcellus, c. I. v. viritim. Extra urbem in regiones XXVI agros viritim liberis attribuit.

and his tribes. Now every one will perceive the striking internal probability that the number of plebeian tribes should be thirty; because the patricians and the Latins, between whom the plebs stood as an intermediate body uniting the two, were both divided into thirty corporations. Nay, this probability is so great, that, if no statement of the kind were preserved, and we were merely left without anything to contradict this number, analogy would lead us to take it for granted. The sole objection is, that, at the admission of the Crustumine tribe, the number then existing was only twenty.

This difficulty may be solved, if we call to mind that there was an essential and necessary correspondence between the regions and the tribes. As the registering or the assigning landed property within any district formed the groundwork of a local tribe; and voting by regions was the same thing with voting by plebeian tribes; so a tribe must have ceast to exist, when the state was compelled to give up the region that was its basis. The Eleans for instance had twelve phyles: but when they lost a part of their territory to the Arcadians, along with the demes comprised in it, the number of phyles left was only eight[975]. That the Romans in the treaty with Porsenna were forced to cede the territory on the Etruscan bank of the Tiber is acknowledged: and I shall shew how utterly destitute of historical foundation is the tale of its being restored to them by an act of romantic generosity. Now we frequently find, both in the legends of the oldest times, and in the more genuine history of Rome, that a vanquisht people

[975] Pausanias, Eliac. I. c. IX. These local tribes in Elis are an instance of the manner in which a rustic population grew in time to form a commonalty, and the commonalty united into one people with the citizens. During the Peloponnesian war the soverainty still belonged to the city of Elis; and the neighbouring country was in a state of dependence. It is also remarkable enough, that afterward, just at a time of the greatest distress, the senseless oligarchs again tried to rob the inhabitants of the country of the rights conceded to them.

was compelled to give up a third of its territory to the conqueror. If such was the measure adopted by Porsenna with regard to Rome, this would explain how it came to pass that just a third of the original tribes disappears[976]. Had the Annals acknowledged this diminution, the humiliation and fall of Rome would have been manifest in its whole extent; and the empty fable of its rapid recovery from its misfortune would have been laid bare[77].

These tribes, we perceive, do not correspond in number with the tribes of the patricians, but with their subdivisions, the curies. This leads us to question whether

[976] See below, notes 1093, 1215, 1222. Those who lost their property in consequence, would be admitted into other tribes, if they removed to Rome. If they staid on their land, they became aliens to Rome, and clients to the new lords of the soil: as the Irish became farmers of the estates, which had been the property of their forefathers.

[77] It will not be a waste of labour to determine what were the tribes that remained out of the original thirty. The four civic ones according to their rank were the Suburan, the Esquiline, the Colline, and the Palatine: the rustic tribes, arranged alphabetically, were the Æmilian, Camilian, Cluentian, Cornelian, Fabian, Galerian, Horatian, Lemonian, Menenian, Papirian, Pupinian, Romilian, Sergian, Veturian, Voltinian: the complement of sixteen was made up by the Claudian. Not that there was a Claudian tribe from the beginning: but I must here anticipate the conjecture, that it was substituted in the room of a Tarquinian tribe, which, like the Tarquinian house, was done away: see the text to note 1236. The Crustumine is indeed older than all constituted after 259: but since it differs from all the rustic tribes in this list, both in the termination of its name, and in that name's being a local one, it must no doubt have been the twenty-first, which was establisht after the treaty with Latium,—the first of a new order of things, by which the ten lost tribes were to be replaced. The *Pollian* is without doubt the same with the *Poblilian*, one of the later tribes; just as *mollia* and *mobilia* are the same word, —oscilla ex alta suspendunt *mollia* pinu: pilentis matres in *mollibus*: —otherwise there would have been thirty-six, instead of thirty-five. For a Veientine tribe the only authority is a corrupt reading, which has now been expunged on the authority of the good manuscripts, in the speech pro Plancio 16(38); where the right word is *Ufentina*.

their name may not originally have been a different one, and whether ten of them were not requisite to make up a plebeian tribe; so that at first there would be three such, which subsequently sank to two. This conjecture is favoured by our finding that the commonalty at the Crustumine secession was headed by two tribunes; and that afterward, when the consular power was transferred to military tribunes chosen out of the two orders, their regular number seems properly to have been six, three for the patricians according to their tribes, and three in like manner for the plebeians. But in this latter case the intention may merely have been that, the number of the patricians being given, they should have an equal number of plebeian collegues: and in the former, since twenty were too many to guide a people in a state of insurrection, as well as for prudent deliberation, each decury of the tribunes may have appointed a delegate: indeed, why should not they, like the decuries of the senators, have had each a leader, who was to come forward on such occasions? In fact there is an express statement that the plebs at the second secession had twenty tribunes divided into two decuries, who had to appoint two chiefs[978]. The votes of the curies being those which were told in the assembly*, the tribes of Romulus had sunk into insignificance: nor do we meet among the Latins with any trace of a division standing higher in the scale than that into thirty towns.

A phyle must needs have a phylarch; and so must a tribe have a tribune. If Dionysius confines his statement to the civic tribes, when he says that Servius appointed a tribune over each of them to inspect the condition of every household, and that troops and taxes were

[978] Livy, III. 51. Decem numero tribunos *militares* (this is an accidental mistake) creant in Aventino.—Icilius eundem numerum ab suis creandum curat.—Viginti tribunis militum negotium dederunt, ut ex suo numero duos crearent.

* See p. 332.

levied according to the same division[979], his sole reason for this limitation is, that he knew not what to make of the rustic tribes. This charge of inspecting, making inquiries, and reporting, was repugnant to the spirit of later ages, which, as the peculiarities of character became more varied, needed and exacted a larger range of freedom. But it was only this portion of the tribunes office that became extinct: the *tribuni aerarii*, who lasted till the end of the republic, seem to have been merely the successors of the original tribunes. When the Roman people had become exempted from all taxes, the main part of their business as collectors was at an end: but they continued to exist, and to have an oath administered to them; and they were called by the Aurelian law to the exercise of judicial functions, as representing the body of the most respectable citizens *.

That these tribes at first comprised only the plebeians, and that the patricians and their clients were not enrolled in them till much later, will be made to appear in the sequel of this history. For the present I will remind the reader that the assembly of the tribes was the scene where the tribunes of the people were supreme; that it was never convoked by a patrician magistrate; that, when it met, the patricians and clients had to withdraw from the forum; that the centuries were instituted to mediate between the two bodies, and to unite them, and so would otherwise have been needless. It is stated indeed that the Claudian tribe was formed by the clients of that house: but in the first place this is very far from certain; and besides it would not have been a greater deviation from the principles of the constitution, than the receiving the Claudii among the patricians, that is, into the three tribes, instead of the exiled house of the

[979] Dionysius, IV. 14. Ἡγέμονας ἐφ' ἑκάστης ἀποδείξας, ὥσπερ φυλάρχους, οἷς προσέταξεν εἰδέναι ποίαν οἰκίαν ἕκαστος οἰκεῖ.

* See Duker, on the Epitome of Livy, XCVII.

Tarquins. The establishment of that tribe may perhaps have been an experiment whether the ten that were extinct could not be gradually replaced by new ones formed out of the clientry *.

I will here meet an objection, which may possibly be raised, at least hereafter, by a vigilant reader. When it had never been questioned that these tribes were a general division of the whole nation, as those of Romulus were also supposed to have been previously; nor moreover that the houses were families, according to our notions; every one who remarkt that some of the tribes, the Æmilian, Cornelian, Fabian, bore the well-known names of the most eminent patrician houses, thought no doubt that this must be owing to their having had the honour of containing such a house along with its clients. To me this circumstance rather seems to explain how the names of the houses themselves originated. An Athenian of the Æantid phyle did not believe himself to be descended from Ajax; nor a Formian from Æmilius: these were only eponyms, honoured by the tribesmen as their common guardian spirits. Just as little can the Cæcilii, so long as the original idea was not utterly lost sight of, have carried back their pedigree to Cæculus, the Fabii to a Fabus or Fabius, the Julii to Iulus. Wherever a house and a tribe bore the same name, it may be assumed that both were so called in the same manner after the same *indiges;* and that both performed sacrifices to him, as to a patron of a higher order [980].

* See the text to note 1236.

[980] Such is *Clausus* in Virgil, Æn. VII. 707: *Claudia* nunc a quo diffunditur et tribus et gens Per Latium: he is no more the progenitor of the one than of the other. Such accurate information does Virgil display even on this point. Much of what he gathered, after the manner of the Alexandrian poets, from regions seldom visited, passes for his arbitrary invention, and as such is even censured as faulty. When he introduces the eponyms of the Sergian and Cluentian tribes among the Trojan followers of Æneas (v. 121—123), and

That the tribes of Servius were plebeian [981], is proved, at least in substance, by Varro's connecting their institution with the assignment of landed property. The nature of the right to enjoy the profits of the national domains by possession, and of the right to an assignment of property therein, requires to be separately and fully developt. For the present I will merely observe, that the former originally belonged to the patricians, who after receiving lands invested their clients with them; the latter exclusively to the plebeians; that, in other words, with the exception of the country under the city-walls, all landed property, strictly speaking, was in the hands of the plebeians alone; that all the assignments of land were in their favour, and were a set-off for their share in the public domains; that consequently, where general assignments of land are spoken of, they are almost always expressly mentioned as the receivers; and that, where this is not the case, the same restriction must assuredly have existed [982]. The earlier assignments to the free men, such as are ascribed to the Sabine kings, Numa and Ancus, had recognized the rights of men belonging to a

thus revives the recollection of an ancient belief, which it is likely he may have met with in Nævius, a reader of the present day fancies he meant to pay a stupid compliment to some Sergius and Cluentius; men of high rank: though no such names are to be found among the persons of influence in his day.

[981] The abstract substantive from *plebs* is *plebitas*, or, according to the old spelling, *plevitas*, which Nonius quotes as used by Cato and Cassius Hemina: De hon. vet. dictis.

[982] Dionysius speaks of a twofold assignment under Servius; one just at the beginning of his reign; and another after the close of the Etruscan war, which he represents to have lasted twenty years, out of the conquered territory. Livy, who was not disturbed by any feeling that he was bound to fill up the wearisome period of forty-four years by recording the events of each, despatches the Etruscan war in a few words, before he comes to the establishment of the centuries; and then (c. 46) he mentions the only assignment of which he takes any notice.

commonalty, which had not yet assumed the form of an estate: and by the assignment under Servius the plebs was establisht in its distinctive character of free hereditary proprietors.

From this time forward the Roman nation consisted of the two estates, the *populus*, or body of burghers, and the *plebs*, or commonalty; both, according to the views of the legislator, equally free, but differing in degree of honour: the patricians, as elder brothers, and moreover as each of them was the member of a far less numerous body, had the advantage of the plebeians, as the greater houses had of the lesser. I do not aim at prying into the mysteries of the ancient theologies: thus much however is evident; that the Romans conceived every part of nature, and every vital and spiritual power, to be divided into two sexes and two persons: they had *tellus* and *tellumo*, *anima* and *animus*. In like manner they probably also lookt upon the nation as consisting of *populus* and *plebes*: hence the names are masculine and feminine. The use of the former word for the soverain assembly of the centuries belongs to later, that for the whole nation to yet more recent times: and along with the second meaning the original one long continued to prevail. It is related under the year 341 that the plebs, with the concurrence of the populus, committed the charge of investigating the murder of Postumius to the consuls. In this place no interpretation can attach that meaning to the word, into which it has been attempted, though very mistakenly, to strain it in the saying of Appius Claudius, *that the tribunes were magistrates of the plebs, not of the populus*; where it is contended that *populus* means the people in the centuries[983].

[983] Livy, IV. 51: A *plebe* consensu *populi* consulibus negotium mandatur. II. 56: Non *populi* sed *plebis* magistratum; that a tribune had no authority over the patricians. For that was the point in dispute.

Even in the oracle of the Marcii, which was promulgated during the second Punic war, the pretor is still spoken of as pronouncing the supreme sentence of the law both over the burghers and the commonalty[984]. Moreover, a *concilium*, as we know from very good authority, was the assemblage of a mere part of the nation[85]; not of the whole, as it was united in the centuries. Now Livy says, the auguries had attained to such high honour, that the *concilia populi* and the centuriate comitia were dissolved in consequence of unfavorable omens[86]. Here the *concilia populi*, which from their very name must have been distinct from the only general comitia, those of the centuries, or the *exercitus*, are moreover expressly named alongside of them: and a *concilium plebis* is out of the question; for this did not stand under the influence of the auguries. So that a *concilium populi* is equivalent to an assembly of the patricians, or the curies. Such was the *concilium* to which Publicola paid homage by lowering his fasces[87]. Such was the assembly which decided between the Aricines and the Ardeates concerning the territory they were disputing about[88]. As the patricians at that time were still the only possessors of the domains, the plebs was in no way qualified for judging whether a particular district belonged to them: nor would it have had any interest to decide unfairly: nor finally would the consuls have granted it the honour of settling a quarrel between two forein towns. If we keep this explanation steadily in view, we perceive it was

[984] Livy, xxv. 12: Praetor — is qui *populo plebique* jus dabit summum.

[85] Laelius Felix, quoted by Gellius, xv. 27: Is qui non universum populum, sed partem aliquam adesse jubet, non comitia, sed concilium edicere debet.

[86] Livy, i. 36: Ut—*concilia populi*, exercitus vocati, summa rerum, ubi aves non admisissent, dirimerentur.

[87] See note 1172.

[88] Livy, iii. 71: *Concilio populi* a magistratibus dato.

by the curies that M. Manlius, the saviour of the Capitol, the patron of the Roman commonalty, was condemned to death, after the centuries had acquitted him [989]: so greedily did the patricians thirst after his blood. Their place of meeting was the Comitium, that of the plebeians the Forum [90]. The distinction between the two orders is visible even in their games; which were twofold, the Roman and the plebeian. The first were held in the great Circus; and accordingly we are told that the Curies had places there assigned to them: the separation between the orders accounts for the origin and purpose of the Circus Flaminius. It must have been designed for the games of the commonalty; which in early times chose its tribunes there, on the Flaminian field [91].

Now as the Marcii designated the nation by the two words *populus* and *plebs*, so the formularies of prayer by which all proceedings in the presence of the whole nation were opened, sometimes made mention of the *Quirites*, sometimes of the *plebeians*, along with the *populus* [92]. It

[989] Livy, VI. 20: Cum *centuriatim* populus citaretur — apparuit nunquam fore — crimini locum. Ita — *concilium populi* indictum est. The true account is clearly that the duumvirs impeacht him.

[90] Both of these lay on the same level,— quanto rostra foro et comitio superiora sunt, says Fronto, ad Antonia. Aug. I. 2. p. 148. ed. Rom.— and were so situate as to form a whole, which in common parlance was called the Forum. It was this Forum, in the wider acceptation of the word, that was surrounded by porticoes. The original plebeian Forum was paved with flagstones of travertine: the Comitium is the piece of ground where a pavement of flagstones of giallo was brought to light by the excavations of the last century. They were separated by the ancient rostra, a stage of considerable length with steps at each end of it, lying in the line between the temple of Castor and the Curia Hostilia, at right angles to the front of this Curia and the steps before it. Down to the time of Caius Gracchus, even the tribunes in speaking used to front the Comitium: he turned his back to it, and spoke with his face toward the Forum.

[91] All such distinctions necessarily came to an end, when the patricians were lost in the body of the nation like a drop in the sea.

[92] Quod felix, faustum, fortunatum, salutareque sit *populo Romano*

is true, the original Quirites were totally and essentially different from the plebeians, and were become a part of the patricians. But the plebeians were now standing in the same relation to the collective body of the curies, in which the second tribe had once stood to the first: the formulary was ready at hand, and was applicable. Hence the custom of addressing the assembly in the Forum by the name of *Quirites:* hence the phrase, *Quiritary property*, and the like [993].

Among the measures of Servius for promoting freedom, it is further stated that he establisht judges for

Quiritibus (not *Quiritium:* see p. 294, note 752). Festus, v. Dici mos erat Romanis in omnibus sacrificiis precibusque. Cicero paraphrases this as follows: Quae deprecatus sum — ut ea res — *populo plebique Romanae* bene atque feliciter eveniret: Pro Murena, 1.

[993] At the close of this inquiry I must add one more remark. A great number of instances may be collected, by merely turning over the pages of Livy, where he gives the name of *populus* to the *plebs*. But these are not of the slightest importance, if we make a distinction between the strict practice of the language in ancient times, which he retained in copying from such Annals as still paid attention to it, and the fluctuating usage which he shared with his own age. How difficult would it have been for him to avoid this! when the tribunes, who had already long been actually tribunes of *the people*, had for some hundred years at the least transacted business officially with the *populus* of that age, the comitia of the centuries. But this only makes us the more struck with the precision of those passages, where he is literally reciting the expressions of the older writers. I will however myself quote another passage, which might seem to make against me: Varro de re rust. 1. 2. 9: Licinius trib. pl. cum esset, post reges exactos annis CCCLXV, primus populum ad leges accipiendas in septem jugera forensia e comitio eduxit. The number of years, as every one sees, is corrupt, and perhaps the corruption has gone further: but if any one takes *populus* here to mean *plebs*, and the *comitium* to be its place of assembly, he is totally in the dark. In this very passage the *populus* is the curies, who were forced to accept the law proposed by the triumphant plebeians (*leges accipere*). The tribune conducts them from the Comitium to the spot where they are to conclude peace with the plebs: the seven jugers are the condition: *in* septem jugera: like pax data *in* has leges est: Livy, XXXIII. 30.

private actions[994]. I entertain no doubt that this refers to the institution of the centumvirs. The only ground for the prevalent notion, that this tribunal was not erected until the five and thirty tribes were completed, or till there were at least three and thirty, lies in its name: whereas, the agreement being only approximate, this is a sufficient sign that the name arose out of common parlance, and was not the original technical appellation. For every tribe there were three judges. This number,—the principle of representing the particular tribes, and the consequent practice for the election to be conducted by each severally, not by the collective commonalty,—the symbol of the spear,—all point to very old times: the symbol just mentioned contains an allusion to the plebeians as Quirites; that name being frequently derived from the Sabine word *quiris*, a spear. Moreover the causes which came before this court, referred uniformly to matters that occurred in the census, or concerned Quiritary property. The one senatorian judge, who was appointed by the pretor, was properly called an *arbiter*[995]. The centumvirs, we are perfectly justified in assuming, originally, when they were ninety, and afterward as their number, which on the diminution of the tribes had been reduced to sixty, gradually increast again, bore the name of *judices*. And the unprejudiced will easily see that these are the *judices*, who after the abolition of the decemvirate were protected, along with the other plebeian magistrates, by the laws declaring them inviolable[996].

[994] Dionysius, IV. 25.

[995] Plautus, Rudens, III. 4. 7. Ergo dato De senatu Cyrenensi quemvis opulentum *arbitrum*, Si tuus esse oportet etc. 150 years afterward it was a matter of dispute whether *judex* or *arbiter* were the right name: Cicero pro Murena, 12 (27). The nature of the relation between them had been totally forgotten.

[996] Livy, III. 55. That ingenious scholar, Ant. Augustinus, who in his views on historical questions was mostly no less happy, than he was invariably the contrary in emendatory criticism, discerned this

Beside the election of these judges, and of the tribunes, several others may have been carried on by the plebeians collectively, or by the particular tribes separately. It is assuredly more probable that even in those times they had ediles, forming a peculiar local magistracy, such as we may suppose to have subsisted in the towns the inhabitants of which belonged to the plebs, than that this office originated later. The plebeian assemblies may also have had a variety of purposes over and above elections; the passing resolutions, the imposing rates for common objects. Thus general contributions for the funerals of favorite statesmen were ordained by public decree[997]. We may assume however that even then they had rights which came much nearer to their subsequent power.

For the legislation of an individual, who is the supreme head of a state, pursues a different course from that taken by conflicting powers in a free state; where, without violating the public peace, and the forms of law, nothing but gradual concessions can be wrung, sometimes by lulling fears, sometimes by rousing them, from the possessors of privileges which have become exorbitant, above all when their sway is a usurpation. The royal author of that constitution, which posterity designated with the name of Servius Tullius[998], cannot have understood the nature of his own measures, if, after establishing the plebeian

truth: but he only gave a faint hint of his opinion; and so his conjecture did not meet with acceptance. (See Drakenborch on the passage referred to.) He would have had to fetch his readers from a vast distance, out of a public still far behind in its nonage, and to carry them up to the point where he was standing: the road to it was not leveled: and after all would they have thankt him for it? Might he not rest satisfied with having found his way thither himself?

[997] For that of Agr. Menenius it was proposed by the tribunes: Dionysius, VI. 96.

[998] Ut, quemadmodum Numa divini auctor juris fuisset, ita Servium conditorem omnis in civitate discriminis, ordinumque — posteri fama ferrent: Livy, I. 42.

estate, he left it so destitute of protection as it was before the Secession, and so far from an equality of rights as it still continued long after. Cicero was not speaking inconsiderately, nor did he so much transport himself to the point of view taken by a different party, as draw back that curtain of prejudices through which he usually esteemed it his duty to look into the sanctuary of the constitution, when he declared that the plebs by the Secession recovered its hallowed rights, its liberties[999]. The measure by which they were secured was new, and was the result of necessity, owing to the change in the form of the constitution: but of the rights themselves the commonalty cannot have been destitute. It would not have been a free body, like the body of burghers, unless there had been the same right of appealing to its assembly, which the patricians had of appealing to the curies; and unless it had been entitled to pass sentence upon such as grossly infringed its liberties.

That the counter-revolution of L. Tarquinius and the patricians did actually drive back the commonalty so far from the fair rights it had already reacht, that centuries were needed before it could again make its way against wind and tide into the harbour where after that royal legislation it was lying, is evinced among other things by the state of the law concerning debts. We are distinctly told that a law of king Servius abolisht the practice of pledging the person, and substituted that of pledging property[1000]; the selfsame measure by which the Pœtelian

[999] Ut leges sacratas sibi *restitueret*: Fragm. of the Corneliana. *Sacrosanctus* answers to the German *fron*.

[1000] Dionysius, IV. 9: Ὅσοι δ' ἂν μετὰ ταῦτα δανείσωνται, τούτους οὐκ ἐάσω πρὸς τὰ χρέα ἀπάγεσθαι, ἀλλὰ καὶ νόμον θήσομαι μηδένα δανείζειν ἐπὶ σώμασιν ἐλευθέροις, ἱκανὸν ἡγούμενος τοῖς δανεισταῖς τὰς οὐσίας τῶν συμβαλλομένων κρατεῖν. In the same harangue he makes Servius further say, that the domains should not thenceforward be enjoyed by the usurping patricians, but by the plebeians who had won them with their blood. So that the agrarian law was likewise referred to the same founder of every constitutional right.

law made a new epoch in the freedom of the plebs. It is further said, that this beneficent enactment was repealed by Tarquinius the tyrant[1100]; and the patricians contrived to prevent its renewal for two hundred years after the banishment of the kings.

The story that Servius meant to resign the throne, and have annual consuls elected, may have as insecure a historical foundation as the tale of his birth. Nevertheless it points decidedly to a necessary connexion, which common tradition and opinion perceived, between the consulate and the laws bearing his name. This is distinctly implied in Livy's statement, that the first consuls were chosen in conformity to the commentaries of king Servius Tullius; those commentaries, which contained a detailed scheme of his constitution, as the quotations in Festus shew. And since one is unwilling to suspect that the author of so great a legislation, who had the power to fashion it for his purposes, would do anything that must have destroyed it; the design of that legislator, whom we call Servius Tullius, must have been, it would seem, to place the two free estates on a level in the consulate as well as elsewhere, in the manner in which this was effected by the election of L. Brutus, and permanently by the law of C. Licinius and L. Sextius. If he did not, if he only created two annual magistracies for the houses, and left the commonalty without any consul from its own body, it was in a worse condition than under a

[1001] Dionysius, IV. 43. Tarquinius is even said to have destroyed the tables on which these beneficent laws were written. These then must have been the fifty spoken of in IV. 13, the mode of mentioning which (ἦσαν) implies that they were no longer in existence, and accordingly were not comprehended in the Papirian collection. If this was digested under the second Tarquinius, of course it did not contain the laws which he rescinded: their not being found in it is assuredly the only ground for the above-mentioned story of his having destroyed them in a fit of passion. From this however it ensues that the whole account of that law on debts has nothing but tradition to rest on. See the text to note 1264.

single supreme head, who retained his functions for life. The latter would emancipate himself, and the more so the longer he reigned, from the prejudices of the order out of which he had proceeded; prejudices by which an annual magistrate would continue fettered. And by no gain, save that of universal freedom, could the palpable mischievous consequences of a divided government be counterbalanced.

THE CENTURIES.

With regard to the purpose of the Servian constitution to impart an equal share in the consular government to the plebeians, every one may think as he likes: that it granted them the right of taking part in elections, and in legislation, is universally acknowledged.

Servius, as for the sake of brevity I will call the lawgiver in accordance with the writers of antiquity, would have taken the simplest method of bestowing these rights, if he had adopted the same plan, whereby the commons in feudal states obtained a station alongside of the barons, and had ordained that all national concerns should be brought both before the council of the burghers and that of the commonalty, and that the decree of the one should not have force without the approval of the other, and should be made null by its rejection. This was the footing on which the plebeian tribes in aftertimes stood in relation to the curies: but if these two bodies had been set up over against each other from the beginning, they would have rent the state asunder: to accomplish its perfect union, the centuries were devised by Servius. For in them he collected the patricians and their clients together with the plebeians; and along with all these that new class of their fellow-citizens, which had arisen from the grant of the Roman franchise to the inhabitants of other towns, the municipals: so that nobody could in any way look upon himself as a Roman, without having some place or other, though it might often be a very

insignificant one, in this great assembly[1002]. The preponderance, nay the whole power in that assembly lay with the plebs. This however excited no ill-will, because no one was excluded; and provoked no opposition, because it did not decide by itself, but stood on an equipoise with the curies.

This institution of the centuries has thrown that of the tribes completely into the shade: and through the former alone has the name of king Servius maintained its renown to our days. Moreover it was long and universally deemed a settled point, that this is understood with more certainty and accuracy than any other part of the Roman constitution; because it is described by Dionysius and Livy, and that description is coucht in numbers. Only a very few more clearsighted scholars ventured to pronounce, that at all events these representations do not suit the times of which we have a contemporary history. At present this in the main is no longer contested; and a far more authentic record having come to light, the errours common to the two historians, and those peculiar to each, may be satisfactorily pointed out. They cannot either of them have been acquainted with the account contained in the commentaries ascribed to the king himself, but have written from very different and very defective reports. As to Cicero, the only reason that indisposes us to believe his having drawn immediately from the authentic source, is, that erudition of this sort was not in his way: else his statements are exceedingly accurate and trustworthy. The mistakes of the two historians need not surprise us: for they were not speaking of an institution still existing, nor even of one that had recently been changed, but of what had long since past away. Livy says expressly, that it had nothing in common with the constitution of the centuries in his days: and this moreover

[1002] Comitiatus maximus.

is the very reason why he describes it, as he does the ancient tactics in his account of the Latin war. Various other statements must have been current, containing still greater discrepancies: for Pliny takes 110000 ases as the limit for the property of the first class, Gellius 125000[1603]; numbers which can neither be regarded as blunders in the manuscripts, nor as slips in the writers.

In one point both the historians are mistaken. Confounding the burghers with the commonalty, they imagine that a people, in which till then perfect union and equality had prevailed, was now divided into classes according to property, in such a manner that all the power fell into the hands of the rich, though encumbered with no slight burthens. Dionysius adds another errour to this, in looking upon the eighteen equestrian centuries, which had the first rank in the constitution of Servius, as a timocratical institution.

The principle of an aristocracy is to maintain a perfect equality within its own body. The poorest and obscurest *nobile* of Venice, into whose family no office of dignity had come for centuries, was esteemed in the great council as the equal of those whose wealth and name encircled them with splendour. A government formed like the Roman by a large body of houses is a complete democracy within itself, just as much so as that of a canton where the population is not more numerous: it is an aristocracy solely in its relation to the commonalty. This was misunderstood by Dionysius and Livy. No change was made by Servius in this equality of the ancient burghers: his timocracy only affected those who stood entirely without the pale of that body, or those who at the utmost were attacht to it, but far from partaking in the same equality.

The six equestrian centuries establisht by L. Tarquinius were incorporated by Servius into his comitia; and received

[1603] Pliny, H. N. XXXIII. 13. Gellius, VII. 13.

the name of the six *suffragia*. So that these comprised all the patricians; among whom it cannot be conceived that in this constitution, any more than in the earlier, there existed any distinction adapted to the scale of their property. Livy, though he forgot that the six centuries had been instituted by Tarquinius, makes a perfectly correct distinction between them and the twelve which were added by Servius[1004]; *out of the principal men in the state*, as he says: he ought to have said, *in the commonalty*: for the patricians were in the six *suffragia*; nor can any of them have been admitted into the twelve centuries. Dionysius therefore should have confined himself to these twelve centuries, when he conceived that the knights were chosen by Servius out of the richest and most illustrious families; which notion he extends to all the eighteen[5]. For the patricians, who unquestionably as a body were the richest as well as the leading men in the state, had all of them places in the six *suffragia* by birth and descent, though particular individuals among them might happen to be very poor.

Else it is clear from the character of the measure, that the person who arranged this division of ranks, when he collected the notables, and separated them from the commonalty, would pass over such of the nobles of Medullia or Tellena as were totally reduced to poverty and insignificance, and would enroll in these centuries such of the merely freeborn inhabitants as in compliance with the notion of the class possest wealth enough to equip a horseman, provided their honour was untarnisht; not those whose character stood the highest, if their means

[1004] Festus, v. Sex Suffragia, in direct opposition to the truth, takes the six to have been the centuries formed by Servius. To this he was led by the notion that the twelve had already been instituted by Tarquinius. See p. 361, note 892.

[5] IV. 18: Ἐκ τῶν ἐχόντων τὸ μέγιστον τίμημα, καὶ κατὰ γένος ἐπιφανῶν. The passage of Cicero about selecting the knights *censu maximo* is mutilate, and cannot be filled up with certainty.

were too small. Marius would not have been placed among the knights: the object of Servius however was not to bestow prizes on the virtues of individuals, but to establish an estate in the nation; to unite the plebeian notables with the patrician. Now among the Greeks, wherever the ancient government did not dwindle into an oligarchy, the mode of effecting the transition to that later order of things, which the course of nature brought about, was for the remnant of a decaying aristocracy to unite into one class with the richer landed proprietors among the commonalty, the γεωμόροι. This class, from being able to defray the expense of serving as horsemen out of their own means, bore the name of ἱππεῖς; which in English is best rendered by the word *knights*, although certain associations must be guarded against in using it. The Greek philosophers, when the ancient notions of ancestry had long been lost, defined nobility to consist, according to the way of thinking then prevalent, of hereditary good birth together with hereditary wealth [1006]. Where poverty has intruded, none but a military nobless, such as that which several German provinces take pride in, can maintain the character of the class in public opinion, which alone preserves it. Nay the privileged classes have universally esteemed wealth, and the outward splendour that flows from it, as the only thing which can place any one on a level with themselves. Such has always been the case. The Heraclid Aristodemus, the progenitor of the Spartan kings, said, *Money makes the man.* Alcæus repeated it in his songs, as a saying of the wise [7]: and base as this sounds, base as it is, still it cannot be disputed that, in an undertaking like that of king Servius, wealth, and not bare lineage,

[1006] Aristotle, Fragm. de Nobilitate.

[7] Χρήμαθ' ἀνήρ. Alcæus, in the Schol. on Pindar, Isthm. II. 17. fragm. 50. ed. Matth. Aristodemus says it at Sparta: so that this tradition, like the national one in Herodotus (VI. 52), represented him as not having died until the conquest was completed.

was to be taken as the criterion for the plebeian aristocracy, which was to be establisht under a new form.

Only we must beware of confounding the first institution with what took place afterward; as also of supposing that the subsequent standard of an equestrian fortune, a million ases, is derived from the times of Servius. We cannot suppose that the descendants of those who were originally enrolled, took their station otherwise than hereditarily, whether they were plebeians or patricians. Polybius says, at present the knights are chosen according to fortune[1008]: previously therefore it must have been on another principle; that is, according to birth: and Zonaras informs us that the censors had the power of rewarding merit by raising an erarian into the tribes, a mere plebeian into the equestrian order; and contrariwise of punishing a bad life by erazing persons from the two upper ranks[9]. Here the regulative principle is plainly the reverse of one depending upon property, such as prevailed in later times, when whoever could produce his four hundred thousands was entitled to demand a place among the knights; and the want of a few thousand sesterces, in spite of every virtue, kept a man down amid the plebs[10]. True, the censors in those times ordered an unworthy possessor of a knight's horse to sell it: this however formed the whole of the censorian brand, unless they could also turn down the tribesmen among the erarians. Indeed this very power of conferring the privilege of a

[1008] VI. 20. Τοὺς ἱππεῖς τὸ μὲν παλαιὸν ὑστέρους ἐιώθεσαν δοκιμάζειν — νῦν δὲ πρωτέρους, πλουτινδὴν γεγενημένης ὑπὸ τοῦ τιμητοῦ τῆς ἐκλογῆς: *since* fortune has been taken as the standard in choosing them. If he had not intended to imply a causal connexion here, he would have written γενομένης, *being chosen* according to their fortune.

[9] VII. 19. Ἐξῆν αὐτοῖς — ἐς τὰς φυλὰς, καὶ ἐς τὴν ἱππάδα, καὶ ἐς τὴν γερουσίαν ἐγγράφειν, τοὺς δ' οὐκ εὖ βιοῦντας ἀπανταχόθεν ἐξαλείφειν.

[10] Si quadringentis sex, septem millia desunt, Plebs eris.

knight's horse enabled the censors still to reward civic virtues in individuals: as in Great Britain a general or admiral, who is raised to the peerage, if not wealthy, receives a pension suitable to his rank from the nation; although, as a body, the House of Peers can only maintain its station by comprehending the mass of the great landed proprietors. That the original equestrian fortune cannot have amounted as in after-times to a million, is clear: for the classes from the fourth upward ascend by intervals of 25000; and this would be followed by the enormous leap from a hundred thousand ases to a million; whereas during the second Punic war we find this interval subdivided, as is the part of the scale below a hundred thousand into only two classes [1011]. Thus much may at all events be conjectured; that the obligation of persons registered as horsemen to serve as such at their own cost, when a knight's horse could not be assigned to them, was determined by a certain fixt amount of property; and that, if theirs fell short of this, they were bound under the same circumstances to enter into the infantry. The former regulation perhaps gave occasion to the story, in the description of the general zeal to wipe away the disgrace before Veii, that the knights, who had an equestrian fortune and no horse allotted them, volunteered to serve on horseback at their own expense [12]: and the latter is alluded to in the tradition that L. Tarquitius, the friend of the great Cincinnatus, and the bravest of the Roman youth, was compelled by his poverty to serve on foot [13]. The fixing such a sum was a matter of

[1011] Livy, XXIV. 11.

[12] Livy, V. 7: that is to say, a greater number than had been called out.

[13] Livy, III. 27. Though this particular instance appertains to the poetical tradition. For Tarquitius was a patrician; and even those who do not admit the certainty of the hypothesis, that a citizen of this order did not belong to any class, will allow that poverty in his case would either have entirely excluded him from

necessity: from the same reason it was probably altered from time to time, according to the changes in the value of money.

The prevalent opinion, that the equestrian rank from the beginning was essentially connected with great wealth, and yet that all the knights were furnisht with horses by the state, and had a yearly rent assigned for their keep, not only charges the Roman laws with absurdity and injustice, but also overlooks Livy's express remark, which follows close upon his account of the advantages enjoyed by the knights, that all these burthens were shifted from the poor upon the rich[1014]. Who would answer for it that a rich patrician, if he might have had his expenses defrayed, would magnanimously have declined availing himself of this right, for the benefit of his poorer brother patrician? As for the plebeians, if they too had a like right granted them by Servius, at all events it cannot have been exercised for several generations. At first however no doubt this was one of the patrician privileges. Indeed the incontestable meaning of the account in Cicero, representing this allowance as an institution of the first L. Tarquinius, is, that its origin was prior to the establishment of the commonalty as an estate: and if restricted to those among the ruling burghers, who, though equal to their fellows in rank, were below them in fortune, there was nothing unfair or oppressive in it.

serving, or at least would have degraded him into a class in which his merits would never have been distinguisht.

[1014] Haec omnia in dites a pauperibus inclinata onera. Dionysius evidently felt the absurdity which results from his representation, and therefore sacrificed the opportunity, at other times so welcome to him, of deriving Roman institutions from the Greek; as Polybius would have led him to do by his comparison of the Roman equestrian order with the Corinthian. I say Polybius: for from him must Cicero have borrowed the notice of a circumstance, which, as shewing how widely such institutions were spread among the ancients, is extremely interesting: though as a proof of any connexion between Rome and Corinth it is good for nothing.

The sum of ten thousand ases for the purchase of a horse, by the side of the sums at which oxen and sheep were rated in the table of penalties *, seems so exorbitant, that the correctness of the number has been questioned. But in the first place it was not to be a common nag: and compared with such a one at Rome as elsewhere a war-horse would naturally be very dear. Besides the equipment was incomplete without at least a groom, a slave, who was to be bought, and then to be mounted. One should like to know whether the state did not at least replace horses lost on the field; whether a horseman discharged on account of age, or the heirs of a deceast one, had not to pay back the ten thousand ases which had been received. These are questions to which a lucky moment of conjecture will hardly divine an answer. But surely I cannot be mistaken in supposing that, when the censor commanded a knight to sell his horse, the intention was, that the person thus degraded should refund the outfit-money he had received to the state, and should procure the means of doing so by that sale: he cannot have had the right of bargaining with another person, and entitling him, on the payment of the ten thousand ases, to enter in his stead into the receit of the annual two thousand, as if it had been a transferable office, or *luogo vacabile.* For this penal command of the censors continued in use down to the end of the republic; when the practice had long been to give the knights pay and fodder in room of that allowance. This change had already been introduced in the time of Polybius [1015]. Knights horses furnisht by the state are mentioned in inscriptions under the emperors, as long as the old institutions lasted; though it is certainly in a very different sense [16].

* See note 1058.

[1015] VI. 39. 12. 13.

[16] Cicero (de Re p. IV. 2) alludes to a change effected by a decree of the plebs, ordaining that the horses should be restored: for when he makes Scipio speak of any measure as intended, we are to suppose that it had actually taken place, but, according to the information

The form of the equestrian order was determined by that of the older centuries, which were preserved unaltered as the six *suffragia;* and the twelve plebeian centuries were modeled after them. The centuries of the knights were not connected with the form of the army: the turms of the cavalry bore no relation to them. On the other hand the classes represented an army of infantry, in exact accord with the constitution of the legion; troops of the line, and light-armed soldiers, with their body of reserve, their carpenters, and their band; and even with the baggage-train.

This exact conformity to the frame of the army was peculiar to this institution; although in many of the Greek states the hoplites and the full citizens were the same. Nay the principle, justly assumed by Dionysius, — that the votes allotted to each class bore the same proportion to the collective sum of votes, as the taxable property of its members bore to the total taxable property of all the five classes, and that the numbers of the citizens contained in each stood in an inverse ratio to the numbers which designated their property, — was not unknown to the Greeks. Aristotle speaks of votes the weight of which was regulated by the amount of the property of the voters [1017].

he possest, was later than the date he assigns to Scipio's discourse. It is possible that the holders of the outfit-money were enjoined to pay it into the treasury, that a great sum might be in hand for largesses: the horses and equipment would have continued their property. Perhaps too Cicero was mistaken about the date; and the higher pay mentioned by Polybius, and the fodder, might be meant as a compensation. At all events the inscriptions referred to shew that the measure was not permanent. See for instance in Gruter, 404 (3.4), 407 (6), 415 (3).

[1017] Politics, VI. 3. p 171. *Φασὶ γὰρ — οἱ ὀλιγαρχικοὶ (τοῦτο δίκαιον) ὅτι ἂν δόξῃ τῇ πλείονι οὐσίᾳ· κατὰ πλῆθος γὰρ οὐσίας φασὶ κρίνεσθαι δεῖν.* Further: *τοῦτο κύριον ἔστω — ὅτι ἂν οἱ πλείους καὶ ὧν τὸ τίμημα πλεῖον.* If, out of 10 rich men and 20 poor, 6 of the rich and 5 of the poor voted on the one side, 4 of the rich and 15 of the poor on the other, then *ὁποτέρων τὸ τίμημα ὑπερτείνει,*

The ground was prepared for Rome to become a warlike state, when military service and civic rights were connected with the hereditary landed property of the plebeians. No free man however was to feel himself excluded; and those trades which were indispensable to the army, but which a plebeian was not allowed to carry on, were in their corporate capacity placed in a station, which was probably advantageous, and higher than the individuals would have occupied by the general principles of the census. For this reason the five classes had the single centuries attacht to them.

Scipio in Cicero's dialogue declines entering into a detailed report of the Servian constitution of the centuries, it being a matter well known to his friends. In like manner I too may be excused from counting up how the 170 centuries were distributed among the five classes. There are two points however which I would not pass over. In the first place the Romans knew only of five classes: so that Dionysius, who calls such as gave in less than 12500 ases a sixth class, is just as much mistaken in this, as when he allows them only one century.

συναριθμουμένων ἀμφοτέρων ἑκατέροις, τοῦτο κύριον. He cannot possibly have meant individuals here, — for this would have led to interminable calculations, — but *συμμορίαι*.

I must also advert for a moment to the division into classes establisht by Solon: for, with an apparent likeness to that of Servius, it has a totally different character. The former related wholly to the eligibility to offices, the latter to elections. No comitia according to the four classes were ever held at Athens: but, as the archons in old times could only be chosen out of the first (Plutarch, Aristid. c. 1), and the fourth was excluded from all offices, so the second must also have had certain privileges above the third. In the Attic classes the houses and the commonalty were intermixt; even if the expression of Demetrius Phalereus quoted in the passage just referred to, — *ἐκ τῶν γενῶν τῶν τὰ μέγιστα τιμήματα κεκτημένων*, — authorise us to conclude that among the pentacosiomedimns none but the members of the houses were allowed to draw lots for the dignity of the archon eponymus. And even the landed property was only rated at the value of the crops.

Next, here again the regularity of the scale assuredly puts it beyond a question, that his statement of the fortune of the fifth class at 12500 ases or 1250 drachms, and not Livy's at 11000 ases, is the correct one. Whether the last was occasioned by Livy's finding it mentioned somewhere, that the difference between the limit of the fifth class and the proletarians amounted to 11000 ases,— or whether the account which gave the first class 110000 ases, estimated the fifth at a tenth of this, as the sum in Dionysius would be a tenth of the 125000 ases which others assign to the first class, — cannot be decided; though the first is the more probable solution: but it is not a waste of time to consider how such an errour may have arisen.

The classes, and they alone, were divided into centuries of the juniors and the seniors, equal in number; the former destined for service in the field, the latter for the defense of the city: the age of the seniors began with the completion of the forty-fifth year[1018]. The theology of the Romans taught[19], that twelve times ten solar years were the term fixt by Nature for the life of man, and that beyond this the gods themselves had no power to prolong it; that Fate had narrowed its span to thrice thirty; that Fortune abridges even this period by a variety of chances: against these the protection of the gods was implored. Of the length assigned to man's life by Fate, just half is markt off by the above-mentioned limit: and since boyhood, according to Varro, ceast with the fifteenth year, after the close of which the prætexta was exchanged for the manly toga at the next Liberalia[20], we here again find the number thirty, a third part of man's whole lifetime,

[1018] Varro, quoted by Censorinus, 14. Dionysius, IV. 16. Διελὼν — τοὺς ὑπὲρ τετταράκοντα καὶ πέντε ἔτη γεγονότας ἀπὸ τῶν ἐχόντων στρατεύσιμον τὴν ἡλικίαν.

[19] Servius, on Æn. IV. 653.

[20] Noris, Cenotaph. Pis. I. p. 116. ff. Diss. II. 4. So almost the whole of the sixteenth year might elapse previously.

as the number of the years contained in the vigorous prime of life. Here again the numbers themselves are a sure thread to guide us: and with reference to the original institution of Servius, what Gellius states, on the authority of Tubero, that persons were not reckoned seniors until the completion of their forty-sixth year [1021], is certainly erroneous. The term of military service may always have been denoted by the expression *minor annis sex et quadraginta* [22]: this however meant the person who had not yet entered into his forty-sixth year [23]. I have not overlookt that this year is included by Polybius in the military age [24]: but the extension was occasioned by the want of a more plentiful choice of men hardened by service: for this purpose advantage was taken of an expression, the meaning of which naturally became indistinct, when the general connexion running through the ancient institutions had been lost sight of. In the same manner Tubero, a contemporary of Cicero, a man of business, and no antiquary, accounts the sixteenth year a part of boyhood [25]; in opposition to Varro, and to the evidence afforded by the symmetry of the numbers: and unquestionably Nature did not allow herself to be dictated to by such forms: nor did the lad of fifteen put

[1021] X. 28. Ad annum quadragesimum sextum juniores, supra eum annum seniores appellasse.

[22] Livy, XLIII. 14.

[23] Such as were *minores annis viginti quinque* were prohibited, with a few exceptions, from holding offices of trust or dignity: but *annus vigesimus quintus coeptus pro pleno habetur*: Ulpian, l. 8. D. de muneribus (L. 4). In an affair connected with constitutional law the expression was interpreted after the ancient legal practice.

[24] The Romans are liable to the conscription *ἐν τοῖς τετταράκοντα καὶ ἔξ ἔτεσιν ἀπὸ γενεᾶς*. VI. 19.

[25] Gellius, X. 28. Pueros esse existimasse, qui *minores essent annis septemdecim*: that is, according to the explanation in the text, who had not yet entered upon their seventeenth year. The next clause—*inde ab anno septimodecimo milites scripsisse*—settles the question in favour of the disputed reading, juniores *ab* annis septemdecim scribunt, in Livy, XXII. 57.

on strength for a campaign together with the manly toga. Accordingly during the first year he was kept merely to bodily exercises, and instructed how to demean himself among men: and so long as this schooling lasted, it can hardly have been the custom for him to vote in his century. Thus, even if he had the right, the matter was put off: and if the time to be spent among the juniors was still reckoned at thirty years, men would only become seniors with the forty-seventh. According to what Gellius further quotes out of Tubero, all who were above forty-six would have been numbered among the seniors: according to a different well-known statement, only such as had not yet closed their sixtieth year; with which all civic rights expired. This opinion rests upon respectable authorities: and the obligation of the *seniores* to defend the city, as we read in Livy, speaks strongly for their having been separate from the *senes*. The same view is confirmed by the principles of Greek law: for though Aristotle considers the old men who have obtained their dismissal, as well as the boys who are not yet enrolled, in the light of citizens, it is only as imperfect ones [1026].

Everybody sees that one of the fundamental principles in this constitution was to adapt the distribution of power, and of arms as the means of maintaining power, to the scale of property [27]; a scheme akin to the theory which regards a state as a joint-stock company. Now in this relation between the juniors and the seniors yet another purpose displays itself. The ancient nations often

[1026] Politics, III. 1. Καὶ παῖδας τοὺς μήπω δι' ἡλικίαν ἐγγεγραμμένους καὶ τοὺς γέροντας τοὺς ἀφειμένους φατέον εἶναι μέν πως πολίτας, οὐχ ἁπλῶς δέ. Though great generals were sometimes called to the command of armies at a very advanced age, there is the less force in this argument with regard to Rome, because the knights were not divided according to their time of life.

[27] The equestrian order, as has just been remarkt, stands apart from this system.

entrusted the charge of taking counsel for the common weal to the elders exclusively: in a like spirit the seniors are placed on a par with the juniors as to the number of their centuries. Nor can we fail to perceive the justness of Cicero's words, that throughout the whole system the aim was to withdraw the power of deciding from the majority*: for in this way the minority were to preponderate even within the same class. That is to say, the seniors, whether we take them in the wider or the narrower extent, were much fewer than the juniors. Returns of population, arranged according to the different periods of human life, are rare; nor do I know of any Italian one: and certainly the relative numbers must inevitably vary in different climates. But assuredly we shall nowhere be far from the mark, if we assume that the number of men living, who have completed their forty-fifth year, and are under sixty-one, amounts to less than a third, — that of all who have past their forty-fifth year, only to about half, of those living between seventeen and forty-six; in the twenty-eight years which we must take as the actual period of military service in the field, and of the corresponding franchise[1028]. Here again we find a numerical proportion, which makes it likely that in the scheme of the centurial constitution the ratio of one to two was in reality taken as a basis, whatever limit we may draw for the age of the seniors.

The numbers contained in the centuries of different classes must have been very different. The principle of their original arrangement has already been pointed out[29]; namely, the proportion between the aggregate taxable

* De Re p. II. 22. Curavit, — *ne plurimum valerent plurimi.*

[1028] I have deduced this result from the English population-returns of the year 1821. The relative numbers for the males, accurately exprest, are, from 17 to 45, 0.4637; from 45 to 60, 0.2034; above 60, 0.1328; or the total above 45, 0.3362. Calculating from the close of the fifteenth year, the proportion would be that of 0.6863 to 0.3137.

[29] See p. 442.

property of each class and that of the whole body. Three persons of the first class, four of the second, six of the third, twelve of the fourth, four and twenty of the fifth, stood on a level, taking an average, in point of fortune; and consequently in their votes. Therefore the numbers in the centuries of the lower classes must have increast at the same rate. The second, third, and fourth classes must each have possest property amounting to a fourth of the aggregate fortune of the first; the fifth to three eighths: for else it would not have had thirty centuries. Accordingly the number of citizens in the second class came to a third, that in the third to half, of those in the first; that in the fourth was equal to it; that in the fifth thrice as great. By the principle of this division, out of thirty-five citizens six belonged to the first class, twenty-nine to the other four. Moreover, if the juniors of the first class had not actually been about 4000, there was no reason to make forty centuries of them: the inconvenience of so large a number for voting cannot have escaped the legislator. If the seniors of the same class were taken to be half the juniors, the numbers just set down came out in thousands, giving 6000 for the first class, 35000 for the whole five[1030]. This sum no way disagrees with the one recorded as the result of the first census, 84700[31]; a number which however has no better claim to pass for historical, than the statements in the Fasti of the days on which king

[1030] This ancient numerical proportion may very probably contain the reason why, when a century, as Cicero says (pro Plancio, 20 (49)), was only a part of a tribe, the number of tribes was raised to just five and thirty, and no higher.

[31] Dionysius, IV. 22. The odd thousands are wanting in Livy, where we find the round number 80000; doubtless only through the carelessness of the person to whom we owe our revision of the text. For Eutropius, who takes everything from Livy, speaks of 83000 (I. 7). The statement of the census found in some manuscripts of the epitome of Livy is an interpolation.

Servius triumpht. From all appearance some calculation adapted to the abovementioned proportion lies at the bottom of this number: it certainly was not hit upon at random: but there is little chance of our being able by any combination to divine the numbers assumed for the knights, and for the centuries not included in the classes. From the very first the numbers in the classes can have afforded nothing more than an approximation to the object aimed at, of representing the taxable property. In process of time, and as the nominal value of things altered, they must have departed so far from any such relation, that, as is the fate of all similar forms, this too became quite unfit for use and unmeaning.

A second division of the centuries was into the *assiduers* or *locupletes* and the *proletarians*. The former must have included the craftsmen attacht to the first and fifth class. The name of assiduers however was given to all whose fortune came to 1500 ases[1032] and upward: so that they also comprised all between this limit and the fifth class: and since on pressing emergencies the proletarians were called out and equipt with arms at the public expense, it plainly follows that these assiduers, though comprehended in no class, can still less have been exempted from military service: nor can they have been without the right of voting, in which the proletarians and the *capitecensi* partook. They must doubtless have been the *accensi*, who, Livy says, voted like the musicians with the fifth class: or, more correctly speaking, as we now know from Cicero, they formed two centuries, the *accensi* and *velati*; which were probably distinguisht from each other by their census, as well as in other respects; so that those would perhaps be called *accensi*, who were rated at more than say 7000 ases; those *velati*, whose return fell between that sum and the proletarians. It has already been noticed as a peculiarity in old Latin,

[1032] Cicero, de Re p. II. 22. Gellius, XVI. 10.

especially in technical and official phrases, that the names of two objects, which, whether from their contrast or affinity, were habitually referred to each other, were combined by mere juxtaposition, without any conjunction; as *empti venditi, locati conducti, socii Latini, Prisci Latini* *: thus it was the practice to say and to write *accensi velati*; a practice favoured by their being united, as is certain, in the one battalion of the *accensi*. When the body of reserve no longer followed the standards, as it had done under the old system; when the obligation to military service, and the mode of raising levies, had been entirely remodeled after a new plan; and yet centuries of *accensi* and *velati*, though doubtless composed of persons of a very different sort, were still subsisting,—being preserved, it may be supposed, because by the ritual the beadles who attended upon the magistrates, even when offering sacrifices, were taken from amongst them [1033]—; the usage of ancient times was then so totally forgotten, that writers spoke of an *accensus velatus*, just as of a *socius Latinus*; which would have offended Cato's ears as a gross solecism. Their military duty was the lightest in the whole army; since they followed the legion without any business or burthen: nor were they marcht in troops against the enemy: but one by one they filled up the gaps that were made; and they received arms for that purpose [34].

* See pp. 294. 377.

[1033] Even Cato in his time only knew them as *ministratores*: Varro, de L. L. VI. 3. p. 92.

[34] This is the account given by Varro, in the same place, of the *adscriptivi*: and the passage quoted from him in Nonius, de Doct. Indag. (XII) n. 8. v. *accensi*, shews that in the section *de adscriptivis* he treated of the *accensi*. Their identity as a body of reserve is also recognized by Festus, in the Epit. v. *adscriptitii*: so is that of the *velati* both there, and again v. *velati*. Whether they were really also the same with the *ferentarii*, as has been asserted, that is, whether both together were embraced under that name, and whether their business was to supply the soldiers in battle with arms and drink, are questions I leave undetermined. He who rejects my hypothesis has

Besides they acted as orderlies to the officers, down to the decurion [1035]. A great many of them must have returned home from the short Roman campaigns without having ever come to blows, and frequently not without booty.

While these held the lowest rank among the assiduers, the carpenters on the other hand had a place allotted them by the side of the first class. Cicero only gives them one century: and if we were reduced to the necessity of adopting the testimony of the most trustworthy witness, I at least should not hesitate an instant between him and the two historians. However here again a sure trace is afforded us by the relation among the numbers. I shall speak lower down of the comitia held in the camp*; where consequently none but the junior centuries and the five attacht to them, the *fabri*, *accensi*, *velati*, *liticines*, and *cornicines*, were present: in these no distinction was made between the juniors and the seniors, any more than among the knights. Now the junior centuries amounted to eighty-five; so that along with these five they made up three times thirty, the number which runs through the earliest institutions. This observation, I conceive, decides the matter: and at the same time we may here catch a further glimpse of the reason, why, even if the returns of the census had deviated considerably from the abovementioned scheme, the number of centuries in the classes would still have been fixt at just 170.

The proletarians, in the most precise sense of the name, according to Gellius [36], were those who gave in their property under 1500 ases, and above 375: such as came below this mark, and those who had nothing at all,

to shew in what way those assiduers, who stood below the fifth class, served and voted; and from what other body the *accensi*, who in the earlier form of the legion made up thirty maniples, can have been taken. Livy too mentions them along with the fifth class.

[1035] Varro, in the same passage of Nonius.

* See the text to note 1094.

[36] XVI. 10.

were called *capitecensi*. In a wider sense, and as contrasted with the assiduers, both these divisions were comprised under the name of proletarians. That they formed two centuries, the proletarians and the *capitecensi*, we should find expressly stated in Cicero, but that the leaf of the manuscript, containing the remainder of his account of the centuries, which breaks off with the word *proletariis*, has been lost[1037]. It began beyond all doubt with the words *capite censis*[38]. Cicero reckoned 96 centuries for the last four classes and the six odd centuries attacht to them: which number is made up, if, after the *accensi*, *velati*, *liticines*, *cornicines*, we place two more; to wit, the *proletarii* and the *capitecensi*[39]. Thus there would

[1037] The sixth leaf of the eighteenth quaternion.

[38] Let nobody guess that it was the century *ni quis scivit*; which was improperly termed a century, and was only called into existence when a person stated that he had neglected to vote in his own.

[39] Cicero has unfolded the whole system of this constitution with admirable skill, at the very time that he declines giving a dry list of the classes. Ignorant scribes indeed, and that unfortunate set of book-correctors, who waited in the train of the booksellers of antiquity, and who, as they even boast in the declarations at the end of their manuscripts, improved them for sale, *sine libris, pro viribus ingenii*, found him unintelligible: and thus through careless transcription, and stupid and rash alterations, did that hideous corruption arise by which the passage is disfigured. I have the same clear and conscientious conviction that the restoration I have set forth in another place is correct, as I have of the truth of my historical propositions. (The emendations suggested by the author in Mai's edition were afterward reconsidered by him in a tract *Ueber die Nachricht von den Comitien der Centurien im zweyten Buch Ciceros de re publica*, and in a controversial *Duplik gegen Herrn Steinacker*.) Perhaps others will feel no less certain, if they can but clearly see the way in which the corruption was produced. That a person not familiar with manuscripts, and especially with very old ones, however free he may be from prejudice, or however capable of pronouncing an opinion on critical questions, will still find it difficult to enter into the following description, may easily be supposed: but this deficiency does not give him a higher title to pass judgement. The clew to the labyrinth, as must be evident on a candid consideration of the

be 195 in the whole; a number which is confirmed by another relation. For as the 98 centuries formed by the knights and the first class were set in opposition to all the rest, so as to outvote them, it is natural that they should amount to just half the sum total, and one more: and such is the case, if the lesser half consisted of the four lower classes, the six centuries just mentioned, and the carpenters; in all 97. The carpenters, though stationed alongside of the first class, were yet estranged by their nature from the aristocracy of birth and wealth [1040].

passage in its disorder, is this: Cicero divided all the centuries into two masses: one contained the first class and the carpenters attacht to it; the other all the rest, the knights and the 96 centuries. And then he says: if from among the latter the knights alone joined the former, the 96 centuries, even if they kept inseparably together, were outvoted.

The text in its sound state ran thus: *Nunc rationem videtis esse talem ut prima classis, addita centuria quae ad summum usum urbis fabris tignariis est data,* LXXXI *centurias habeat: quibus ex* CXIV *centuriis, tot enim reliquae sunt, equitum centuriae cum sex suffragiis solae si accesserunt etc.* In a passage of this kind a reader will commonly go over the calculation; and thus, some one having written on the side *decem et octo,* the number of the centuries in the equestrian order, the words crept into the text of a manuscript; so that the clause now ran: *equitum centuriae cum sex suffragiis decem et octo solae si accesserunt.*

Now a line of this was left out — the words *eq. c. c. s. suff.* X *et* — then supplied in the margin, and in the transcript foisted into the wrong place, after *talem ut;* so that now the passage was sheer nonsense, and read as follows: *Nunc rationem videtis esse talem ut equitum centuriae cum sex suffragiis* X *et prima classis ad. c. q. a. s. u. u. f. t. e. d.* LXXXI. *c. h. q. e.* CXIV. *c. tot enim reliquae sunt octo solae si accesserunt etc.*

Next came an ignorant emender, and fancied to put sense into it out of his own head. The word *octo* had remained in its place: soon afterward the 96 centuries are spoken of: now as 96 and 8 make 104, CXIV was altered into CIV. In the same way X was struck out further back after *suffragiis,* because it did not give a shadow of meaning. As to the LXXXVIIII, it arose from some reader's adding up the same VIII with the LXXXI.

[1040] Consequently Cicero might certainly have expreat himself

The proletarians and *capitecensi* were not only inferior to the *locupletes* from the insignificance of their share in the right of voting, but to all the assiduers in their civil capacity and estimation. It is an obscure question how one citizen was a *vindex* for another: none however but an assiduer could be so for his fellow*: and the phrase *locuples testis* demonstrates that even in giving evidence there was a distinction humiliating to the poor[1041]. Where such was the case, it is impossible to suppose that the proletarians were eligible to plebeian offices. But to make amends for this they were exempted from taxes[42].

Whether the five classes were wholly on a level as to their eligibility to offices, is a point on which nothing is known. What is said concerning their being represented by the tribunes when the number of these was raised to five†, seems certain: and therefore probably each severally elected its deputy, and out of its own body.

The sums at which the plebeians and erarians stand rated in the census, were not the amount of their fortune after our notions, which account every source of income capable of transfer by inheritance or alienation a part of the capital; but only that of such property as

much more simply than he does in the passage explained in the last note; if in treating of this obsolete matter he had recollected that the carpenters belonged in rank to the upper half, in character to the lower. This is a further proof that there can have been only one century of them: and so each of the other six belonged to a particular class of people.

* Gellius, XVI. 10, from the twelve tables: Assiduo vindex assiduus esto: proletario quoi quis volet vindex esto.

[1041] That *locuples* and *assiduus* were equivalent, we learn from Cicero, de Re p. II. 22. Gellius too says: Assiduus in duodecim tabulis pro locuplete et facile facienti dictus.

[42] The etymology for the name of the opposite class, the *assidui, ab asse dando*, from their being liable to be taxt, is evidently right.

† See note 1360.

they held in absolute ownership; perhaps to the exclusion of many kinds even of this. I have said, the plebeians and erarians: because it can hardly be supposed that the patricians originally gave in any return of their fortune, and paid a tax on it: the census furnisht no measure for their wealth. For the estates in the public domains, which they possest and enjoyed the usufruct or made grants of, transmitting the same possession and right of making such grants by inheritance, under a reservation of the soverain's title to resume the lands, and to dispose of them otherwise, cannot have been returned by them as property. They were only a possession for a time. The refinements by which modern nations extract a partial value, to be considered as absolute property[1043], from a life-interest, were unheard of among the ancients. As to the persons liable to taxation, it is clear that all those things, which, as objects of Quiritary property, were in the strictest sense called *res mancipii*[44], — such as brass coin, houses, parcels of land, the rights attacht to them, buildings and implements on them, slaves, beasts of burthen and draught, and horses, — were comprehended in the census. But this statement of the jurists was probably much too confined for the early ages, even as a list of such things as belonged to that particular kind of property. Flocks of smaller cattle appertained to husbandry, just as much as beasts of draught and burthen: nor would the transfer of property in them be attended with fewer formalities; although it was not worth the trouble to employ the balance and to call witnesses for the sale of a single goat or sheep. Gaius pronounces silver and gold to be *res nec mancipii*: yet Fabricius and Rufinus gave in a return of their wrought silver to the

[1043] For the sake of representing a freehold.

[44] If scholars, remembering how the genitive *Tulli* and the like are written, would be content to regard *mancipi* as the genitive of *mancipium*, property, and would make this apparent by their way of spelling it, we should be rid of an unprofitable puzzle.

censor *. So, even if *res mancipii* and *censui censendo* were equivalent from the beginning, we cannot draw any certain conclusion from the lists in him and in Ulpian, as to the extent of the objects which made up the census of a Roman citizen. It is at least possible that at one time everything, which did not come under the head of mere possession, granted whether by the state or by a patron, was *res mancipii*, and was called so; that the title to a ship might be maintained in court by the same process as that to a house; and that all this was reckoned into a person's capital. But a decisive discovery on this point is just as little to be hoped for, as on the mode of assessing the capital. An actual valuation would have been impracticable: mention is made of a formulary used by the censors [1045]: hereby we must doubtless understand a table of rates for every kind and sort of taxable objects, which rates might be applied to particular cases by multiplication.

Not only however were many elements of wealth omitted in the census: what made it still more inadequate as a criterion of property, was, that debts, as the sequel of this history will shew, were not deducted †. It would be a most fruitless effort, to pore over the numbers in the scheme of the centuries with the hope of discovering what may throw light on the wealth of Rome.

A peculiar stumbling-block in every attempt to make out the nature of the census lies in the numbers employed as measures of property; which sound so enormous. In an explanation of the institutions which are handed down as the acts of Servius Tullius, this difficulty must somewhere or other be elucidated; more especially

* Florus, I. 18. 22: and the passages quoted by Camers in the note.

[1045] Livy, XXIX. 15. Placere *censum* in coloniis *agi ex formula ab* Romanis *censoribus data*.

† See the text to note 1287.

since the coining the first Roman money is also attributed to him. Wherever such a discussion were inserted, it would be an episode: and my reason for introducing it here, before the inquiry into the nature of the tribute which corresponded to the census, is, that I believe there is no other place where it would not still more interrupt the connexion.

Dionysius gives the census of the classes in drachms, whereby he means denaries: for these were originally minted of the same weight and value with the Greek silver coin: and even after they had been clipt and debased, it continued usual, at least in the language of books, to call them by the Greek name. His numbers in drachms are exactly the tenth of Livy's, whose estimate is in ases[1046]: and this was the proportion between them, before the as was lowered to an ounce in weight. But the ases weighing the sixth of a pound, with which the statement of Dionysius agrees, were themselves on a reduced scale: and it is impossible to discard the question, what was the value in silver of the sums enumerated in the census at the time the centuries were instituted; when, as is universally assumed, the as weighed a full pound. The first thought that suggests itself is, that it must then have been worth in silver $\frac{6}{10}$ths of a drachm, or nearly 4 obols.

It was a remarkable and very singular peculiarity of the nations in the middle of Italy, to employ copper in heavy masses for their currency, not silver: whereas the southern provinces, and the coast as far as Campania, though the mode of computing by ounces was not unknown even in Sicily, made use of silver-money. That the Etruscans, Umbrians, and some of the Sabellian tribes, coined copper, is proved by the inscriptions on specimens that remain: as to the Latins and Samnites, no such pieces of their money with inscriptions have been

[1046] With regard to the fifth class they followed accounts that did not agree: see p. 444.

found, any more than silver coins of theirs belonging to an early age[1047]. But the great variety in the form of the ases without inscriptions shews that they must have been minted in a number of towns: the large sums of brass-money taken by the Roman armies amid their booty in Samnium, while but an inconsiderable quantity of silver was carried home in the triumph, evince that the former was the currency there: so was it undoubtedly in Latium: and a part of those nameless coins probably belonged to these two nations. Rome had the same currency: and according to a tradition, which very clearly proves how widely Servius Tullius was celebrated as the author of all important institutions on civil matters, he was named by Timæus as the person who first stampt money at Rome; the people before his time having employed brass in the lump, *aes rude*[48].

We will let this account take its place by the side of other stories about our hero: a further statement connected with it, that the impress on the first ases was an ox, must be rejected as positively wrong. For a piece with that impress has been preserved[49], as to the genuineness of which there can be no doubt. An impostor would have given it the full weight of a pound: but it weighs only eight ounces: and although no Roman as hitherto discovered is quite equal to a full pound in weight, there are many far heavier than that one: nor have we any ground to question there having been ases of full weight, though they have now disappeared. The pieces that Timæus had heard of were not coined till after the standard had undergone several reductions. There would be nothing unwarrantable in supposing that this unusual

[1047] The denaries of the Latin colonies are all of them more recent than the oldest Roman ones.

[48] Pliny, H. N. xxxiii. 13.

[49] Eckhel, Doctr. num. yet. v. p. 14. The oblong pieces with an ox on them (p. 11) belong likewise to this class.

image contained an allusion to the law of the consuls C. Julius and P. Papirius, who, certain fines having been imposed in head of cattle, fixt the value of each several head in money [1050].

If instead of money, properly so called, which is only a measure of value, some commodity or other, which as such is an object of demand, be employed, one of the disadvantages necessarily connected with it is the inconvenient size of the pieces. Such is the case with the cloth and rocksalt in Abyssinia, with the cocoa in Mexico; and such it was with the brass in ancient Italy. The brass, I say: for it is only for the sake of avoiding singularity of expression, when it can be avoided, that I follow others in giving the name of copper-money to what in reality was bronze; copper, made more fusible by an admixture of tin [51] or zinc. How very general the use of this metal was, is proved by the armour of the Servian legion: and there can be no question that all the better household utensils were of the same material. Thus brass was a thing of daily need; and the masses of it were so easily transformed by fusion, that no loss was incurred by that process: at the same time the impress upon it saved the trouble of weighing. Nothing but a very illtimed recollection of our own customs with regard to money has given rise to the notion that the quadrangular or oval pieces were not money just as much as the round: in this manner it may be perfectly well explained how pieces were coined of still greater weight than an as, up to a *decussis*. Even in late times, perhaps in those of Timæus, the Ligurians, poor as they were, had shields of brass [52]. This general use implies its abundance and cheapness. To be employed for the armour of all the hoplites, brass must have been procurable at

[1050] Cicero, de Re p. II. 35, compared with Gellius, XI. 1.

[51] As Klaproth has proved by analysing some.

[52] Strabo, IV. p. 202. d.

a lower rate than iron: and indeed forein traders in the Homeric age bring iron to Italy, to obtain a cargo of copper[1053]. The produce of coppermines is very variable. Those of Tuscany, especially in the country about Volterra,—not to mention that in that depopulated region they may be neglected without sufficient reason,—may now be exhausted, and yet may once have been immensely productive. To this was added the produce of the mines in Cyprus, ascertained to have been enormous; the influx of which into Italy is attested by the Latin name, and our own, for the metal. The dependence of that island upon the Phenicians in very remote times opened a way for this to the Punic marts; and Carthaginian vessels must have brought it into Italy. The low price consequent on such plenty agrees with everything known concerning the quantity of brass-money and its value in the times before the introduction of silver-money. Ten thousand pounds of it for the purchase, two thousand annually for the keep of a knight's horse, are sums which, according to the weight and the market-price, would in later times have been so extravagant as to be utterly inconceivable. The heavy copper-money was piled up in rooms[54]: and it is recorded that during the Veientine war some persons sent the tribute they owed to the state in waggonloads to the treasury[55]. The younger Papirius, in his triumph after the Samnite war,

[1053] See p. 64, note 195. Dr Arnold, the scholar who introduced the first edition of this history to the English public by a friendly review, has called my attention to an opinion of Werner's,—of which a German ought not to have been reminded by a foreiner,—that copper, which of all metals is the oftenest found pure in the ore, for this reason probably was the first wrought. He further remarks, in support of the view in which it gives me pleasure to find him concurring, that the Massagetes according to Herodotus (I. 215) had only brass, no iron. See also Hesiod, E. κ. H. v. 150.

[54] Varro, de L. L. IV. 36. p. 50: Non in arca ponebant, sed in aliqua cella stipabant.

[55] Livy, IV. 60.

brought above two million pounds weight of copper-money *; Duilius still more [1056]: in both cases the money of this kind was far superior in value to the silver taken in the same war. Whether at the time when the census was introduced, the as was still full weight, or had already been lowered, is beyond our knowledge. Thus much however is clear from a comparison of prices, that Dionysius, so far as anything like a proportion can be made out, was justified in assuming that the old as was of the same value, relatively to silver, with the as reduced to the weight of the old sextant: in other words the weight of the brass-coin was diminisht, because the metal had become so much dearer in comparison with silver.

It is a gross mistake in Pliny,—and one quite unpardonable, since he must a thousand times have seen pieces of money which palpably refuted his errour,—to regard the first reduction of the as which he found recorded in the Annals, as the first actually made. Even at the present day every collection of pieces of heavy copper-money contains the plainest evidence that the weight was only lowered to two ounces by degrees [57]. The rise in the price of copper is attributable to the same causes which enhance its value when the currency is in a nobler metal; to the decrease in the produce of the mines, and the increase in the consumption and exportation. The diminution of the weight may have begun very early. If the coin, however, which Timæus held to be the oldest, referred, as I have suggested, to the establishment of a determinate sum for mulcts, at the

* Livy, x. 46.

[1056] ℔100000: as appears from the inscription on the column.

[57] It would throw light on the history of the arts, if the impresses on the ases and the lesser coins were examined, in connexion with the gradual diminution in their weight; for they exhibit the workmanship of the artists in a regular series during more than two centuries. The most recent may have followed ancient models: in the oldest we see what the art was already able to effect.

time of that measure it was still four times as heavy as after it had been lowered in the first Punic war. Now as the consuls Julius and Papirius valued a sheep at ten ases, so at Athens, where the currency was silver, it was rated by the laws of Solon at a drachm [1058]: an ox, which the Roman law estimated at a hundred ases, at Athens was only worth five drachms. It is probable that between the time of Solon and the Peloponnesian war there had been a general rise of prices through Greece and Italy; and an ox at Rome too about the year 160 may probably have sold for no more than fifty ases. I am only aiming to shew that of the heavy ases, no less than of the lighter, ten may on the average be taken for equivalent to a drachm. On this point the prices of corn are decisive: if the diminution in the weight of the as had lessened its value as money, there must have been a nominal increase in the price of corn.

This was regarded as singularly low about the year 314, when corn fell to an as a modius. But an equally low price was recorded by the chronicles in the year 504, when the as no longer weighed more than two ounces [59]: and a hundred years later, when copper-coins, having been reduced to a twelfth of their original weight, were merely used for a small currency, and all prices were rated in silver, wheat often sold in Cisalpine Gaul for no more than two light ases [60]. On the other hand after the dictatorship of Sylla the modius in Sicily sold for two or sometimes three sesterces, that is, from 8 to

[1058] Gellius, XI. 1. Demetrius Phalereus, quoted by Plutarch, Solon, c. 23.

[59] Pliny, XVIII. 4. As this was in the first Punic war, Italy must at that time have been accustomed to export corn, and was then suffering from a glut owing to the stoppage.

[60] Polybius, II. 15. He says, the Sicilian medimnus often sold for 4 obols, or two thirds of a drachm: the denary already consisted of 16 ases. Borghesi has completely proved that the last diminution of the as did not take place till the time of Sylla.

12 depreciated ases, two to the ounce [1061]: and these were customary prices in an age when the money-value of everything had risen to several times its ancient amount; while the former was so extremely low as to be recorded in the chronicles. Now had not the price of brass been continually rising, so that the weight of it which corresponded in value to a fixt quantity of the universal currency, silver, was constantly diminishing, the price, which three centuries and a half before was deemed unusually low, must have been twice or thrice as high as the abovementioned common marketprices.

The measure of deteriorating the coinage, in the manner usual among barbarous nations, and in ages of ignorance, is mostly adopted to serve very gross, and even profligate ends. Nevertheless there may be a state of things in which it is wise, and even necessary, to take a lower standard. Through a nation's own fault, its own smaller currency, or, through circumstances which could not be forestalled, lighter money from abroad, may have become predominant, so as to drive the heavier out of circulation. The attempting to restore it were to swim against the stream, and can only breed mischief and disgrace. If a state has fallen into the unfortunate system of paper-money, and this sinks in comparison with silver, then, should a juncture of favorable circumstances furnish the means of reestablishing a metallic currency, it is altogether absurd, nay purely disastrous, to make the metal resume its place with its standard unchanged, so that the sums in all contracts are to abide by their nominal amount, while it is impossible to keep up prices at the highth where they stood during the paper circulation [62]. Nay if, even without paper-money, all prices

[1061] Cicero against Verres, 2. III, 75.

[62] In this way the state has to pay a fictitious debt: whereas of itself every funded system, if prolonged without a reduction, first breeds a herd of lazy and ignorant fundholders, and of beggars, and after all ends in a bankruptcy, only too late.

have for a course of years been forced up by an extraordinary state of things far above the mean of those which prevailed during the preceding generations; if the expenses and burthens of the country have increast at the same rate; and at length this feverish condition subsides, and everything drops down for a continuance to the lowest average prices; in such a case the only hope of safety lies in a proportionate reduction of the standard. To this result common sense led men in former times, whereas theory and delusion now cry out against it[1063]. At Rome the exigency was still more pressing. As in the middle ages, from the constant and unreplaced efflux of money toward the East, silver became scarcer and scarcer on the north of the Alps, and all prices kept on progressively falling; so at Rome, as we have seen, copper gradually grew dearer in comparison with silver, and consequently with all other commodities: and this, although Rome had no national debt, and her citizens no hereditary mortgages, must have produced extreme hardship and distress in abundance of instances. The pay of the horsemen and footsoldiers stood fixt at a stated number of ases: and though the countryman now received fewer ases for his crop, he had to pay the same sum as if money were not worth more than before. This of itself would settle the question. Without doubt however the times when reductions were resolved upon, were chiefly those when the state was desirous of relieving the debtors: and history presents so many such occasions, that there is surely

[1063] In the years from 1740 to 1750 corn in England sold for about three fifths of the price it had stood at 60 years earlier: in France the prices at the two epochs were nominally equal; because the standard had been altered in the proportion of 13 to 20. Supposing now that the landed property in the two countries had been generally burthened with mortgages, thousands, who in the former must have been ruined, would have been saved in the latter; and that not only among the proprietors, who would have retained their inheritance, but even among the mortgagees.

ground for believing we may discover with tolerable accuracy when those progressive diminutions in the weight of the as, which the collections exhibit, took place.

After Rome acquired the dominion over Campania and the south of Italy, where silver was in general circulation, more complex causes were at work. The tithes and farmed duties would come in from thence in silver: the silver coined in the South, with the superscription of Rome, undoubtedly circulated within the city itself: at length denaries were issued as the national money. Now if in doing this a false proportion was assumed; if a *decussis* of thirty ounces in weight,—on which scale, as the number of pieces found infer, the coinage must have stood still for some time, although for a much shorter than on that of four ounces to the as[1064],—was worth more than a denary; things must have gone on as they do now, when it is attempted to keep gold and silver in circulation beside each other in fixt and false proportions: the metal which is rated too low quits the country[65]. A direct proof that such was the case with the Italian copper-money, is supplied by the immensely large sum which Duilius brought out of Sicily, although the currency there was that of the Greeks, silver and gold: so that the copper must have been introduced by traffic; in exchange for silver. Now if brass grew dearer in consequence of the Punic war, because the importation of Cyprian copper and of tin was stopt, the republic had no more choice whether she would lower her ases to the weight of a sextant or not, than France had forty years ago about altering her gold coinage. If such a measure had not

[1064] Here surely I may say with confidence, ever since the Secession to the Janiculan; that is, during about thirty years.

[65] That trafficking in money, and speculations in different sorts of it, were by no means unknown to the ancients, is proved by a remarkable passage in Xenophon, de Vectigalibus, S. 2. The Attic drachms were of fine silver: and Xenophon was very well aware that a state promotes its own advantage by coining good money.

been taken, all the money of that metal would have gone out of the country; and the state would have lost as much as its nominal value was too low. The rise of copper still continued; and two ounces were still too heavy: but, when the weight was reduced to one, this was going too far; and it was necessary to make the sesterce equivalent to four ases.

It is our duty to investigate attentively in what way the authors, through whom we derive our knowledge of ancient history, have been led to the misunderstandings they have fallen into; and thus to find an excuse for their errours, instead of abusing them. This, like every act of dutifulness, has its reward: for the discovery of the spot where they strayed from the right road, establishes its course. Pliny confounded the as employed to measure the amount of the *aes grave*, with the full-weighted coin. The former was resorted to from necessity; since copper-money was used so far and wide, in all varieties of size. Everywhere the weight was reduced, owing to the same causes as at Rome; but, inasmuch as it was in towns wholly independent of each other, the reductions were different in different places. All these monies were of the same metal: nor had a state any motive for forbidding any coin but its own to circulate, since a seignorage was a thing unknown to antiquity: accordingly a hundred pounds, whether in the newest Roman money, or in mixt sorts, were of the same value[1066]. To bring these to a common standard was the end served by the scales used in all bargains: these, as well as the witnesses, had an important purpose, and were by no means a piece of symbolical trifling. Had the old pounds continued undiminisht, and no others been current, the scales could never have been thought

[1066] That this is more than a bare possibility, and that the greatest variety of pieces were in circulation at the same time, is plain from the coins often found in a single heap.

of: payments would have been by tale. The weight supplied a common measure for the national money and all these divers sorts; and no less so for the old Roman coins, without any necessity of melting them down, unless for daily use: hence they might continue to circulate. It is a complete misapprehension to attach the name *aes grave* to none but the heavier sorts: it bore the same relation to minted ases, that pounds of silver do to pounds sterling. When the currency became silver, and the practice to count by sesterces, this mode of reckoning ceast. From that time forward, wherever ases are spoken of, coined ones reckoned by tale are meant: so that an antiquary might very correctly say, that in the first Punic war the Romans past from using pounds of copper to using ases weighing the sixth of a pound: and then the mistake into which Pliny, or the author he followed, fell, lay close at hand.

I return from this digression to treat of the census. Every Roman was strictly bound to make an honest return of his own person, his family, and his taxable property: and his neglecting to do so was severely punisht. The laws also provided the means for detecting false returns. All children on their birth were registered in the temple of Lucina; all who entered into youthhood in that of Juventas; all the deceast in that of Libitina; all sojourners, with their wives and children, at the Paganalia; obsolete institutions, which Dionysius knew of only from the report of L. Piso [1067]. All changes of abode or of landed property were to be announced to the magistrates of the district, the tribunes, or the overseers of the *pagi* or *vici*: which Dionysius misinterprets into a prohibition against anybody's dwelling without the region of his tribe [68]. In like manner notice must have been given on every alienation of an article liable to tribute: and the purpose of the witnesses prescribed by law, who confessedly represented

[1067] IV. 15. [68] IV. 14.

the five classes, was at least quite as much to trace the object of the sale for the census, as to secure the proprietor. One sees that these enactments made it necessary that a good deal should be written: for this to have been done in the service of the state is not at variance with the scarcity of books.

It was by the plebs that the regular tax according to the census was paid: its very name, *tributum*, was deduced from the *tribes* of this order [1069]. It was an impost varying with the exigencies of the state, regulated by the thousands of a man's capital in the census; but not a property-tax anywise corresponding to the income of the tributary class: for the stories about the plebeian debtors plainly shew that debts were not deducted in the valuation of a man's fortune *. It was a direct tax upon objects, without any regard to their produce, like a land and house-tax: indeed this formed the main part of it; included however in the general return of the census [70]. What must have made it peculiarly oppressive was its variableness [71]. It did not extend below the assiduers: the proletarians merely made a return of what they had. The notion of their paying

[1069] Varro, de L. L. IV. 36. p. 49. Livy reverses this, saying, *tributus appellatae a tributo:* I. 43. The tax was levied according to the tribes; Dionysius, IV. 14; by the tribuni aerarii; Varro, IV. 36.

* See the text to note 1287.

[70] Beside these two taxes, it embraced several of those which in England are called *assest taxes:* only there were differences in the mode of raising them. With regard to landed property at least the only possible method was for a survey to be taken according to regions, corresponding with the census; so that, if an estate was sold to a Latin or a Cærite not resident at Rome, it did not escape paying tribute, although the owner could not be cited in person.

[71] The distress and weakness of Rome down to the passing of the Licinian law are a memorable instance of the evils that ensue from making a land-tax the chief source of national revenue; more especially when it is borne by a single class, which thus finds itself in the same relation to such as are privileged, as a landholder in a heavily taxt country to one where the burthens are less.

a polltax is built on an unfounded interpretation of the *tributum in capite*, or more correctly *in capita* [1072], which is mentioned as distinct from the tribute according to the census, and the nature of which I believe will appear from the following explanation.

The purchase-money for a knight's horse is called by Gaius *aes equestre* [73]. The right to distrain for it need not excite any doubt about Livy's statement, that it was paid out of the common treasury; since the same summary process was granted against the *tribunus aerarius* for the *aes militare* [74]. The annual provision for a knight's horse the lawyer terms *aes hordearium*. With regard to the latter, Livy's account, that every knight received it from a widow, sounds exceedingly strange: for, even if it was confined to a few hundred, so large a number of rich widows seems inconceivable. In the first place however the word *vidua* is to be understood, according to its original meaning, recognized by the Roman jurists, of every single woman generally, maiden as well as widow [75]; and therefore of an heiress (ἐπίκληρος). Besides Livy has also forgotten the orphans. Cicero, in citing

[1072] Festus, v. tributorum conlationem. As the *tributum in capite* stands first in the list, it assuredly cannot have been insignificant. When, to shew the last honour to a statesman, a general decree of the people provided for his funeral (p. 430) by levying a quadrant or sextant ahead, this indeed was also a *collatio in capita* (Livy, II. 33), but of another kind; and the proletarians had the honour of joining in contributing what even the poor could give.

[73] IV. 27. By the by, ab eo qui *distribuebat* cannot stand there, and must be changed into a. e. q. *aes tribuebat*.

[74] Cato, quoted by Gellius, VII. 10.

[75] In consequence of the change which had already taken place in the use of the word, this explanation was given by Labeo; in the abstract of Javolenus, I. 242. D. de verborum signific. Viduam esse non solum eam quae aliquando nupta fuisset, sed eam quoque mulierem quae virum non habuisset: and even Modestinus still in his time says, I. 101. eod. tit. Adulterium in nuptam, stuprum in viduam committitur.

the example of the Corinthians, among whom the knights horse-money was paid by rich widows and orphans[1076], as the prototype of the Roman institution, obviously ascribes the same extent to the latter: and thus we have a full explanation why the orphans and single women (*orbi orbaeque*) are mentioned apart in the population-returns[77]. It is true they did not come under the general principle of the numeration: boys, who were not yet called out to military service, could not stand registered in their own capacity, in a census which represented the muster-roll of an army, with everything belonging to it; still less could women of whatever age; they could only be set down under the *caput* of a father or husband. But the peculiarity in the mode of taxing them was the decisive cause of their omission. If the bachelors were bound to pay on the same footing with those two classes, as Camillus is said to have enacted, it can only have been for a season[78]: there was not the same cause here. For in a military state it could not be esteemed unjust, that the women and the children were to contribute largely for those who fought in behalf of them and of the commonwealth.

The same thing was reasonable with regard to those who were defended and protected by the state without being bound to military service: for only such as belonged to a plebeian tribe came under the regular annual conscription: others were merely called out in extraordinary cases, and when civic legions were formed. If any one was turned out of a tribe, he thereby lost the right of serving in the legion. Levies were made according to the tribes[79]: for which reason moreover the century in

[1076] De Re p. II. 20.

[77] The common phrase in Livy is; censa sunt civium capita,—praeter orbos orbasque.

[78] Plutarch, Camill. c. 2. His notion that the orphans had previously been exempt from tribute must go for nothing.

[79] Dionysius, IV. 14. I will transcribe this passage, which I have

the original legion consisted of thirty men, one from each tribe; and was reckoned by the annals at twenty for the time when the tribes were reduced to that number[1080]. This principle of raising troops by the tribes lasted as long as there was any distinction between the plebeians and erarians. It appears probable to me that the centuries were so constructed as to include all who in any manner bore the name of Romans: although the exclusive obligation of the plebeians to serve leads us to suspect that originally they alone formed the classes. But be this as it may, the clients of the patricians must have been admitted into them very early; for by their means their patrons exercised great influence in the elections: nay, when the plebeians, made desperate by oppression, withdrew from the comitia, the election might still be concluded, without apparent informality, by the clients alone[81]. At the same time they were so far from serving in the legions, that, during the first disputes with

already often referred to, in the manner in which it must be read and stopt: the words in brackets are interpolations. *Τοὺς ἀνθρώπους ἔταξε τοὺς ἐν ἑκάστῃ μοίρᾳ οἰκοῦντας μήτε λαμβάνειν ἑτέραν οἴκησιν, μήτε ἄλλοθι ποῦ συντελεῖν· τάς τε καταγραφὰς τῶν στρατιωτῶν καὶ τὰς εἰσπράξεις τὰς γινομένας τῶν χρημάτων εἰς τὰ στρατιωτικὰ καὶ τὰς ἄλλας χρείας, ἃς ἕκαστον ἔδει τῷ κοινῷ παρέχειν,* [*καὶ*] *οὐκ ἔτι κατὰ τὰς τρεῖς φυλὰς τὰς γενικὰς,* [*στρατιωτικὰ*] *ὡς πρότερον, ἀλλὰ κατὰ τὰς τέσσαρας τὰς τοπικὰς* [*καὶ*] *τὰς ὑφ' ἑαυτοῦ διαταχθείσας ἐποιεῖτο.* His errour in taking the four civic tribes for the only local ones is of no consequence.

In a war of little importance, when only half a complete army was to be sent out, the number of the tribes being then twenty-one, soldiers were levied from but ten of them. Livy, IV. 46. Decem tribus sorte ductae sunt; ex his scriptos juniores tribuni ad bellum duxere.

[1080] The passages proving this, as their meaning would not be quite clear yet, will be found below in note 1093.

[81] See notes 1307, 1308. It is true, the example in the former of these notes, belonging to the times anterior to the decemvirate, may perhaps have got into the annals from a confusion between two distinct states of things.

the plebeians, the arming the clients in their stead is only talkt of as a measure of extreme necessity *. The story that in the earliest ages of the consulship the isopolites voted in the centuries, may be altogether apocryphal. Still it shews what the ancient institutions were; like the above-mentioned pretended protocols of solemn transactions under the kings [1082]. In later times every Italian, on complying with certain conditions, was entitled to remove to Rome and be registered there; and, like the slave who received his freedom and secured it by getting enrolled in the census with his master's consent, he necessarily acquired the civic franchise, without however thereby becoming the member of a tribe †. But as to those early times, we are not likely to make out whether every town entitled to an interchange of franchise may not have formed a bond of hospitality with some family, or some house; whereby such of its citizens as settled at Rome found a clientary relation already establisht, which they were forced to adopt; or whether it was left to the option of such Latins and Cærites to choose a patron, or to maintain their own interests in person. At all events thus much is certain, that they and the descendants of freedmen were erarians, and were not enlisted in the field-legions. So that the exacting a higher tribute from them was just as fair as from the purveyors for knights horses: and since their fortune was in the main of a totally different kind from that of the plebeians or free landholders, being the produce of commerce and

* See note 1314.

[1082] See p. 346. Unless indeed the story, that Cassius wanted to carry his agrarian law by their means, originated with a very late annalist, who transferred the proceedings under the Gracchi to that age. If the grounds for it existed in the pontifical books, this at least was forgotten, that the right of voting could only be exercised by such as were settled at Rome, with property equal to that of the class they claimed to belong to. See the text to note 365, vol. ii.

† See note 1320.

trade, a different system was also appropriate; that of taking an estimate of the property of each individual [1083]. This arbitrary taxation arose so essentially from the circumstances of the order, that it was even exercised against one of the most illustrious Roman citizens, when the abuse of a formal official right had degraded him from his tribe, and placed him among the erarians: the census of Mam. Æmilius was octupled by the censors [84]. We may readily believe that every inhabitant also paid a stated sum for protection: but it must have been very trifling. Now this, together with the rates imposed individually on the erarians, and the funds for knights horses, must surely be the *tributum in capita* spoken of [85].

To an arbitrary taxation of this kind must the commonalty have been subjected before the legislation of Servius, which substituted the regular tribute according to the census in its stead. Hence came the story that down to this time a polltax was paid, and the burthens of the poorest and the richest were equal [86]. This

[1083] They must have been subject to a tax something like that on permits for exercising trades, rated according to an estimate of the profits, such as prevails under the name of *Patentes* in France, of *Patentsteuer* and *Gewerbsteuer* in Germany.

[84] Livy, IV. 24. Octuplicato censu aerarium fecerunt.

[85] The commentator on the orations against Verres, wrongly called Asconius, had correct information on this point; on the Divin. 3: Censores cives sic notabant, ut — qui plebeius esset in Caeritum tabulas referretur et aerarius fieret; ac per hoc non esset in albo centuriae suae (the century here is taken as a *pars tribus*, see note 1030); sed ad hoc esset civis tantum, ut pro *capite suo* tributi nomine *aera penderet*. The text here is garbled. The Laurent. MS. LIV. 27, which Lagomarsini collated as being an authentic copy of Poggio's transcript, reads: sed ad hoc *non* esset civis: tantum *modo* ut p. c. s. aera *praeberet*.

[86] Dionysius, IV. 43: Ταρκύνιος κατέλυσε τὰς ἀπὸ τῶν τιμημάτων εἰσφορὰς, καὶ τὸν ἐξ ἀρχῆς τρόπον ἀποκατέστησε, καὶ — τὸ ἴσον διάφορον ὁ πενέστατος τῷ πλουσίῳ κατέφερε. He had already said what amounts to the same thing, under the reign of Servius Tullius.

notion is sufficiently absurd, even when the meaning is, that the state was not to receive more from any citizen than the poorest could afford: but it is an almost unparalleled example of thoughtlessness for any one to have set down in writing, that Tarquinius the tyrant exacted a polltax of ten drachms ahead [1087]. Here again however we have a tradition, which ought not to be prejudiced by its sounding so irrational in the mouth of the reporter. Dionysius confounds the payer with the receiver. I shall shew hereafter, that a hundred ases were the monthly pay of a foot-soldier *: for the present I will express my conjecture, that this pay, the *aes militare*, for which the soldier had in like manner an immediate right of distraining, was originally a charge on the erarians, as the funds for knights horses were on widows and infants: so that the rich had to pay several; while of the poorer sort several were clubbed together for the support of a single soldier. I am convinced that the very name of the *aerarii* came from this *aes;* and that the change, which is represented as the introduction of pay, consisted in its being no longer confined, as it had previously been, to the existing number of pensions chargeable upon the erarians; but so extended, that every soldier received his share; that now however the plebeians also, along with the exclusive obligation to serve in the foot, were likewise made universally and regularly liable to tribute for paying the army. And this was the view of those annalists, more accurately acquainted with ancient times, whom Livy follows, when he relates how the tribunes of the people murmured that the tribute was only levied for the sake of ruining the plebs †. Nor

Livy too has: Censum instituit — ex quo belli pacisque munia non viritim, ut ante, sed pro habitu pecuniarum fierent: I. 42.

[1087] IV. 43: Τοῦ δημοτικοῦ πλήθους — ἀναγκαζομένου κατα κεφαλὴν δραχμὰς δέκα εἰσφέρειν.

* See vol. ii p. 439. † See note 1290.

can the measure imputed to Tarquinius be understood in any other way.

As to the patricians, one cannot suppose that they were taxt like the erarians. What befell Mam. Æmilius was an arbitrary imposition. The other ranks might be satisfied, if the patricians paid on the same footing with the plebeians for property of the same kind; while for the national lands in their occupation they contributed some adequate portion of the profits[1088]. That this was the case under the kings, is probable even from the great public works, the means for executing which were supplied according to the Roman custom by the *manubiae;* that is, partly by the produce from the sale of booty; partly by the profits of the conquered lands, or the rentcharge on individuals for the usufruct allowed to them. In aftertimes the patricians got rid of this charge: and hence, so long as they were sole rulers, no building worth mention was erected[89].

The same law, by which the plebeians were exclusively bound and called out to serve in the infantry, and which regulated the armour every class was to wear, would of course forbid the erarians to procure themselves a suit of armour. Even among the plebeians, only the three upper classes were heavy-armed: and since every one had to equip himself at his own cost, the poorer, above all, the proletarians, had not the means of providing the arms and armour, without which they were no match for their richer brother plebeians. And though in those extraordinary cases where civic legions were raised, and even the artisans were enlisted, and where the proletarians were

[1088] The payment of a tax on profits among the Romans was a decisive proof that he who made it was only a usufructuary. The Greek notions on this point were different: among them Pisistratus at the time we are speaking of, Hiero three centuries later, exacted a tithe as a property-tax from the landholders.

[89] The tunnel from the Alban lake was a work enjoined by necessity.

armed by the state, necessity produced changes in this respect, they certainly did not outlast the occasion.

From the very large number of the centuries in the first class, Dionysius took it into his head,—and he has brought over all the moderns to his opinion,—that at all events it had to pay very dearly for its superiority in rank and weight; because it was incessantly under arms, and that too in a far greater proportion than the rest, making up nearly half the whole legion. Now though it is true the early wars were not very bloody, any more so than those of the Greeks were usually, before they took an entirely new character with the Sicilian expedition; still, such as they were, they must speedily have led to a mere mob-government, if the flower of the respectable citizens had thus been abandoned year after year to destruction. We must not allow ourselves to impute an institution of this nature to the Roman lawgiver. It is worth while however to shew by other arguments than moral ones, which by many are little heeded, how far the opinion of Dionysius is from the truth.

The phalanx, which was the battle-array of the ancient Greeks, and which Philip merely adapted to the peculiar character of his subjects[1090], was the form in which the Roman armies also were originally drawn up[91]. The

[1090] Had not the Macedonians been barbarians, strong in body, rude in understanding; had it not been clear that in such a nation there must inevitably be a great lack of officers fit to be trusted with independent commands; and had not Philip's destructive wars called for incessant supplies of raw recruits, to be made serviceable without delay; that great prince would assuredly have chosen a different system of tactics. But as it was, he turned the materials he had at his command, to the best possible account: and this was all he wanted; since the Greeks, whose array was the same, persisted in that imperfect form of it, above which he had raised himself.

[91] Livy, VIII. 8. Clypeis antea Romani usi sunt: deinde, postquam stipendiarii facti sunt, scuta pro clypeis fecere, et quod antea phalanges similes Macedonicis, hoc postea manipulatim structa acies coepit esse. Dionysius in his account of the centuries, and in those

mode of arming the Servian centuries too is Greek throughout, without a single distinguishing feature of the Roman legion. The chief weapon, and indeed the only one the lansquenet could use until the battle was won or lost, was his spear; the length of which, even before Philip introduced the enormous sarissa, seems to have allowed that the fourth line should employ it with effect; so that for every man in the first rank four spear-heads stretcht out to meet the enemy. Here we get an explanation of the differences in the defensive armour of the Servian classes; where the second had no coat of mail, the third neither this nor greaves. They might be spared the expense: for their contingents made up the hinder ranks, which were covered by the bodies and weapons of the men before them. This fact, that the first class formed the van, was known to Dionysius.

Among the hereditary forms which have long outlived their causes, was the Roman practice of drawing up in file ten deep, handed down from the time when every century had thirty men. If the phalanx was uniform, such a century stood with three men in front: but if half of it was made up of men completely armed, while the other half were imperfectly so, it became necessary to form each century into six half files, instead of three full ones; so that the half-armed should be stationed behind the men in full armour, in the sixth and the following ranks[109c]. Their mode of acting in the phalanx was

of the earliest Roman wars, often talks of the phalanx; and this cannot arise merely from his wish to use a Greek word for the legion: for in speaking of an Etruscan army he mentions the force with which the phalanx drove the enemy down hill.

[1092] Dionysius, VII. 59, says of the second class, *τὴν ὑποβεβηκυῖαν τάξιν ἐν ταῖς μάχαις εἶχε·* of the third, *τίμημα εἶχον ἥλαττον τῶν δευτέρων, καὶ τάξιν τὴν ἐπ' ἐκείνοις.* So in IV. 16, to the same effect, the youth of the first class *χώραν κατεῖχε τὴν προαγωνιζομένην τῆς φάλαγγος ὅλης·* that of the second *ἐκοσμεῖτο ἐν τοῖς ἀγῶσι μετὰ τοὺς προμάχους·* of that of the third *στάσις ἦν μετὰ τοὺς ἐφεστῶτας τοῖς προμάχοις.*

almost wholly mechanical, giving force to its onset, and compactness to its mass. If the number of centuries furnisht by the second and third class was only just the same as what the juniors of those classes voted with, they merely formed a third of the legion. The principle of the array would be the same: but it would have been in nine ranks, to avoid broken or mixt ones, which were contrary to the spirit of the ancient nations. And indeed the proportion between the numbers might tempt us to assume that this was the array, instead of the one in ten ranks: but we find a statement worthy of unconditional belief, which, rightly explained and understood, proves that the latter was the true one, and places the scale whereon the classes served with palpable evidence before us.

For this statement we are indebted to the kind genius that has taken occasions to all appearance accidental to preserve what, provided we are not lazy in our researches, will always be substantially sufficient to revive the image of antiquity. The plan of the Roman consuls in the battle near Vesuvius, to increase the strength of their army by departing from the beaten track of the usual order of battle, led an annalist well acquainted with ancient customs to describe that order: and he did this so ably, that, though Livy quite misunderstood what he was transplanting into his history, it may be completely restored. The arms had already been altered; the phalanx resolved into maniples: but this resolution did not change its composition. No man ever conceived a greater invention, than he who transformed that inanimate mass, and organized it into the living body of a Roman legion; a body combining every variety of troops, as it were an army complete within itself, the absolute perfection of a military division; prepared to overcome every battle-array, and every kind of troops, every form assumed by the spirit of war in nations the most different from each other. But this too is one of those great inventors whose names

are buried for ever in obscurity; and yet assuredly we read his name in the Fasti, although in history it is stript of its most brilliant renown, even if, as there is ground for suspecting, it was Camillus.

The time and place for explaining this order of battle in detail will occur hereafter. For the present they who have hitherto found me as far removed from hastiness as from insincerity, will take the following points as results, for the correctness of which I am their pledge, until I bring forward my proofs. In the great war with the Latins the Romans still served according to the classes, but no longer in a phalanx. The first class sent forty centuries, the exact number of the junior votes in it. Thirty of these formed the *principes*, ten were stationed among the *triarians;* who must doubtless have owed their name to their being made up out of all the three heavy-armed classes. The second and third in like manner furnisht forty centuries; twenty apiece, double the number of their junior votes: ten of each score made up the hastates who bore shields, and ten stood among the triarians. The fourth and fifth class again supplied forty centuries; the former, ten, the hastates who carried javelins without shields; the latter, the thirty centuries of the rorarians; which again was double the number of its junior votes. Here we have three divisions, each of twelve hundred men; the first of hoplites in full armour; the second of men in half armour; the third without any armour, the ψιλοί. We cannot but recognize that these forms belonged to the Roman state in very remote ages: for the centuries are supposed to have their full complement, according to the original scheme, that of Servius, when there were thirty tribes[1093]. The anxiety

[1093] At the time of the Latin war there were seven and twenty tribes; and consequently just so many soldiers in a century: but this variable number would have given rise to perplexities. To obviate misunderstandings, or from his own uncertainty, Livy calls that part of the legion, which in our phraseology would be termed a battalion,

to preserve numerical symmetry is again perceptible in that the contingent of the fourth class was no more than equal to the number of its junior centuries; while in the other three lower classes it doubles the number of theirs. Besides, as they were stationed among the light-armed troops, a greater number of them was not wanted, and indeed, if too great, would have been an incumbrance. Now since the first class supplied the same number of centuries as the next two between them, we get the proportion conjectured above for the phalanx, five ranks of the former, five of the two latter.

The number of the light infantry was half that of the troops in the phalanx; which agreed with the system of the Greeks. The *accensi* stood apart from the phalanx and the *caterva*, as they did apart from the classes. Their business being to take the arms and the places of the killed or missing, was easily managed in such an order of battle: for, as soon as a gap was made, it was naturally

by the indefinite words, *acies, agmen;* instead of its true name, *cohort*, which was afterward transferred to a very differently constructed part of the new legion As the original number of the tribes furnisht cohorts of nine hundred men, they cannot, when the tribes were reduced to twenty, have consisted of more than six hundred.

This was rightly understood by the annalist who wrote that, in the Volscian war of the year 292, four cohorts of six hundred men apiece were drawn up before the gates of Rome: Dionysius, IX. 71. In 290 the legate P. Furius, when the Æquians were storming his camp, fell upon them with two cohorts amounting to no more than a thousand men: ἦσαν δὲ δύο σπεῖραι, οὐ πλείους ἀνδρῶν ἔχουσαι χιλίων· where the translation of Gelenius *duae cohortes quingenariae*, which is meant to be free, introduces an erroneous notion. They consisted of the principes, 600 instead of 900, and the heavy-armed hastates, 400 instead of 600: Dionysius, IX. 63. Again L. Siccius commands a cohort of eight hundred veterans, who were no longer liable to service; that is to say, twenty from every senior century of the first class: Dionysius, X. 43.

With such accuracy were these fictions adapted to the forms of ancient times: and thus the foregoing statements evince that both these propositions were recognized as historically true,—that originally there were thirty tribes, and afterward only twenty.

filled up by the man who stood just behind, and the next to him advanced into his place; so that the substitute had to come in far back in the rear, where the mass of his comrades taught him perforce to stand, to march, to face about, and hardly anything was wanted but strength of limb. Well-trained soldiers were only needed as serjeants and corporals, or in the companies at the end of the line, which by wheeling round might become the head of a column; and in some degree in the companies near the end.

Now although the first class was so far from being drained out of proportion to its numbers, that it rather looks, which however may be a mere delusion, as if the second had been unfairly dealt with from the love of numerical symmetry; yet the former did not gain its political privileges for nothing: for its centuries, as they formed the front lines, stood the brunt of the fight. The knights too purchast their precedence by a larger share of danger: for they were defectively equipt, easily disarmed, and more exposed than the rest to darts, and to the stones and lead of the slingers.

These hundred and twenty centuries standing under arms may perhaps have given sanction to the testaments which the soldiers, made before battle. For in its original spirit this ceremony cannot possibly have been a mere declaration before witnesses; but was just as much a decree of acceptance by the community for the plebeians, as it was for the patricians when the curies legalized a testament, or an alteration of gentile rights. And thus I have no doubt that the plebeian testaments were at first accepted in the comitia of the classes, the *exercitus vocatus*, on the field of Mars; the place of which assembly, so long as the affair was a mere formality, might be filled by the lines in battle-array, the *viri vocati*; although here the votes were differently balanced*. This difference

* See Velleius Paterculus, II. 5; Plutarch, Coriolan. c. 9.

however, and the neglect of the rights of the first class, were far from immaterial, when,—what assuredly happened much oftener than it has been recorded,—a real law was to be past in the camp: as it is related that the decree of the curies against the Tarquins was confirmed by the army before Ardea. On such occasions therefore the constitutional proportion among the several classes was restored. If we call to mind the state of things, all the senior centuries were wanting: the junior, when the double contingents were reunited, came to 85: beside these there were the five unclast ones, making ninety in all. Of these the first class, with the carpenters, had 41; the other four, with the four odd centuries, 49. Now a legion contained 300 horsemen, or ten turms; each of which was equivalent to a century of thirty men, and therefore no doubt voted like one: so that in this way the knights and the first class together had 51 votes, and exceeded the lesser moiety by two: all together made up just a hundred. What were the circumstances attending the law in the camp at Sutrium, by which a duty of five per cent was imposed on manumissions, is a very perplexing question; since it is stated to have been past by the tribes[1094].

The regular comitia of the centuries of both ages assembled on the field of Mars, every century under its captain. Summoned by the king, or by the magistrate who occupied his place, they determined on such proposals of the senate concerning elections and laws, as were put to the vote by the person who presided; with perfect liberty to reject them: but their acceptance did not acquire full force until approved by the curies. In capital causes, where the charge concerned an offense against the whole nation, not a violation of the rights of a particular order, they decided alone[95]; at least after

[1094] Tributim: Livy, VII. 16.

[95] This at least is represented by Dionysius, when relating the trial of Coriolanus, to have been the principle of the constitution:

the time of the decemvirs. As it may be considered unquestionable that the plebeians originally made their testaments in the field of Mars, just as the patricians did in the Comitium; so it would seem equally certain that, as an arrogation required a decree of the curies *, the adoption of plebeians must have taken place before the centuries. Nay the same thing may with great likelihood be conjectured of every transaction for the formal completion of which five witnesses were in aftertimes required. As the curies were represented by the lictors †, so were the classes by these witnesses, when the consent of the comitia had become a matter of course: and since the auspices, so long as the ancient customs prevailed, were no doubt taken, at least in all transactions materially affecting personal relations, the formality was fully sufficient.

The liberties of the commonalty, as forming a part of one branch of the legislature, were confined to this, that, if the legitimate course of things was not disturbed by force or by artifice, no national magistrate and no law could be thrust upon them, against their decided negative. Out of their own body no proposition could originate: nor could any one come forward and speak on the propositions laid before them. So that the sacrifice made by the patricians at this change was very trifling. There is no trace which could lead us to suspect that the senate was not composed of them exclusively: and if at any time a proposition offensive to their order was notwithstanding brought before the centuries, and accepted, there was nothing to hinder the younger patres from throwing it out in their own comitia. On the other

VII. 59. On these occasions they would be summoned by the duumvirs of treason: and such Dionysius conceives to have been the process against Sp. Cassius: VIII. 77: my scruples on which point I will bring forward in the proper place: see Vol. II, note 366.

* Gellius, v. 19. † Cicero, de Leg. Agr. II, 12 (31).

hand the patrician estate, and the government of which it formed the soul, possest influence and means for working on the centuries, even within the narrow sphere of their authority, partly by the votes of the erarians, partly by taking the assembly by surprise, or by tiring it out, so as to force decrees upon it directly adverse to the will of the plebeians.

Nevertheless it is said that these slight restrictions, and the measures which, without withdrawing anything from the houses in the other departments of government, merely gave the commonalty freedom, dignity, and respectability, were not conceded by the patricians according to the regular forms; so that the whole wears the look of having been effected by the absolute power of the king. It is said that they took away the king's life in an insurrection, with which he had long been aware that they were threatening him.

So runs the tradition: and that there was at least a stubborn resistance on the part of the houses, we may assume with no less certainty than if we had contemporary memoirs to establish it. For every oligarchy is envious, oppressive, and deaf to reason and to prudence. Not that these qualities cleave to a class bearing any particular name. It is the same spirit of oligarchy, under the smockfrock of the yeoman of Uri, who not only denies the sojourner all higher privileges, even though his forefathers have been settled in the canton for generations, but robs him of such bare common rights as he has long enjoyed[1096]; and under the velvet mantle of the Venetian noble. The patricians in their conduct and character stood very much nearer the former than the latter.

What the patricians wisht to perpetuate against the plebeians, was what the Spartans maintained against the Lacedemonians and the περίοικοι: and the history of Sparta

[1096] I take this instance, because just now, as I am writing this, it has been brought forward in a remonstrance by the canton of the Grisons.

is a mirror of what the Roman, but for the freedom of the plebeians, would have displayed. As the Spartans did not repair their losses by admitting new citizens, and did not spare their blood, they were reduced to so few, that, after the battle of Leuctra, their empire fell to pieces in an instant; and the existence of the state was only preserved by the fidelity of a part of the Laconians. Even this however did not awaken the conscience of the Spartans. Nor were their eyes opened, when the greater part of the surrounding country joined their hereditary foes; when they found themselves living scattered here and there in their spacious city amid an alien or hostile population; when they were forced to hire mercenaries for their wars, and to beg for subsidies from forein princes. Thus their state continued strengthless, despised, and arrogant, dragging on an utterly morbid existence for a century after its fall. At last, when no ray of hope was left, its kings, to whom their country was not a matter of indifference, as it was to the oligarchs, endeavoured to save it by a revolution, which transformed those plebeians so long trampled under foot into a new Lacedemonian people. In this people the Spartans were merged, having in fact already become utterly insignificant: and in their stead the Lacedemonians appeared for a while with the splendour of ancient Sparta. But it was too late. Revolution followed upon revolution; and no one condition lasted long enough to be endowed by opinion and custom with the saving power of legitimacy, which every constitution may acquire. The time had long since been let slip, when everything in which the Spartans felt pride, and far more, might have been secured to their posterity, for as long a period as the mutability of human events will allow.

To institutions like those of Servius, the consent of the order which afterward overthrew them, could not have been obtained except in semblance, by force or fraud. There was more frankness in the dealings of a

prince, who felt himself called by heaven to decide what was fair and just before the tribunal of his own conscience, instead of leaving the parties to be judges in their own cause. Their claim to be so was founded on rights, of which the real substance had undergone a change, and the continuance was only nominal and apparent.

The well-establisht right of the persons who composed the oligarchy, to exercise the government, held only for that sphere within which their ancestors had enjoyed it. Even here it had been narrowed, in the same proportion in which they had sunk below their forefathers in number, importance, and force: and that which had become extinct among them, had been transferred to the quarter where a new life had arisen. If they wisht to preserve their own corporation unchanged, they were bound to replenish it, and to keep it fresh and full. As to the totally new growth, which had sprung up and was flourishing independently of that sphere, they had no manner of right over it: and whatever share in such a right might be granted them by compact was so much pure gain.

It is no encroachment on that which is already existing, for a new life to spring up beside it. It is murder, to stifle the stirrings of this life; murder and rebellion against Providence. As the most perfect life is that which animates the most complex organization; so that state is the noblest, in which powers, originally and definitely distinct, unite after the varieties of their kind into centres of vitality, one beside the other, to make up a whole. The measure adopted at Athens was indeed unjust and mischievous, when Clisthenes, one of the nobles, from a grudge against his own order, leveled the distinction of ranks by transforming the tribes, and introduced an equality which led to a frantic democracy; Athens being unaccountably preserved by fortune from falling under the dominion of tyrants. But Servius in no way trencht on the liberties of the Romans; those slowly earned liberties,

as to which it was forgotten that the minor houses and the secondary centuries were at first no less destitute of them, than the commonalty was now.

The time too came, when the manes of the proud patricians, wandering among their late descendants, and beholding the greatness achieved by them, and by the whole republic, through those very laws the introduction of which had so roused their indignation, and seduced them into insurrection and into high treason, must, if their country had been truly dear to them, have confest and been penitent for their blindness. Without these laws, Rome, like Etruria, might have become powerful for a season: but her power must in like manner have been brief. Like Etruria, she would have been unable to form a regular infantry; while the power of the Samnites, founded on their noble body of foot, would have advanced nearer and nearer to Rome, and, before they met, would have preponderated.

If this constitution, along with the laws connected with it, such as they are ascribed to Servius, had continued to subsist, Rome would have attained two centuries sooner, and without sacrifices, to a happiness, which, after the main part of what was granted had been torn away, cost her hard contests and bitter sufferings before she finally reacht it anew. It is true, if the story of a people is like a life; if the weal of one age makes amends for the woe of another, without which it could never have come to pass; then no harm was done to Rome by the delay. The putting off the completion of the constitution also put off its downfall, and the depravement of the nation for no short time: and her hard struggles disciplined and trained her. But wo to them by whom the offense cometh! and a curse upon those, who, so far as in them lay, destroyed the freedom of the plebeians!

L. TARQUINIUS THE TYRANT,

AND THE BANISHMENT OF THE TARQUINS.

THIS destruction was the work of the usurper: this was the price for which his complices allowed him to rule as king, without even the bare show of a confirmation by the curies. Every right and privilege conferred by Servius upon the commonalty was swept away: the assemblages at sacrifices and festivals, which had tended above all other things to cement them into united bodies, were prohibited: the equality of civil rights was abolisht, and the right of seizing the person of a debtor reestablisht: the rich plebeians were subjected, like the sojourners, to arbitrary taxation: the poor were kept at taskwork, with sorry wages and scanty food; and these hardships drove many to put an end to themselves *.

Ere long however the opprest had the wretched solace of seeing the exultation of their oppressors turned into dismay. The senators and men of rank were the objects most exposed, as under the Greek tyrants, to the mistrust and cupidity of the usurper. After the manner of those tyrants he had formed a body-guard, with which he exercised his sway at pleasure. Many lost their lives: others were banisht, and their fortunes confiscated: the vacant places were not filled up: and even this senate, insignificant as its small number made it, was never called together.

* Cassius Hemina, quoted by Servius, on Æn. XII. 603: Pliny, XXXVI. 24.

Though Tarquinius was a tyrant, and as bad a one as any among the Greeks of the same age[1097], he was no less ready, than any of these, to engage in great enterprises for the splendour of his country: and Fortune long continued to favour him. Indeed the goddess might easily prosper the undertakings of one whom no scruple deterred from making use of whatever would best further his schemes. In Latium his influence was widely spread, by means of Octavius Mamilius of Tusculum, to whom he had given one of his daughters in marriage. Turnus Herdonius of Aricia, who conjured the Latins not to trust themselves to him, was condemned to death by their national assembly on a false accusation brought by Tarquinius: some arms, which had been conveyed into his lodging by treacherous slaves, appearing to convict him of guilt. Latium bowed beneath the majesty of Rome: and thenceforward it was the office of the Roman king to sacrifice the bull at the Latin *feriae* upon the Alban mount before the temple of Jupiter Latiaris, in behalf of all the allies, every city receiving a portion of the flesh. Each sent its stated share to this sacred festival, lambs, milk, cheese, cakes. They were holidays full of primitive merriment, for which the folly of later times devised symbolical meanings. The swinging puppets for instance were to commemorate how Latinus, when he disappeared, was sought after in the air, as well as upon the earth*. The Hernicans too did homage to the king, and joined in this festival. But their cohorts were kept apart from the legions which they accompanied, and which were composed of Roman and Latin centuries united into maniples.

The first place attackt by this army was Suessa Pometia, the most flourishing of the Volscian cities, rich

[1097] Those of the Macedonian age, mostly the leaders of profligate mercenaries, were a much worse breed than the earlier ones before the Peloponnesian war.

* Festus, v. Oscillum. See Vol. II, note 65.

from the possession of wide and luxuriantly fertile plains, the granary of Rome in years of scarcity. It was taken. The inhabitants, freemen and slaves, were sold, with all their substance: and the tithe of the money produced was devoted to the building of the Capitoline temple, which the king's father had vowed in the Sabine war.

The foundations of this temple consumed the spoils of Pometia: and heavy taxes were needed, and hard task-work, to pursue the building. Ever since the time of Tatius, the Capitoline hill had been full of altars and chapels, small consecrated spots, a few feet square; severally dedicated to a variety of deities, who could not be displaced from their abodes without the consent of the auspices. To the union of the three highest beings in the Etruscan religion, Jupiter, Juno, and Minerva, they all gave way, save Juventas and Terminus; a token that the youth of the Roman empire would never fade, that its boundaries would never fall back, so long as the pontiff should mount the steps of the Capitol with the silent virgin in honour of the gods *. The name of Capitol was given to the temple, and from it to the Tarpeian hill, in consequence of a human head, found by the workmen as they were digging the foundations, which was undecayed and trickling with blood; a sign that this place was destined to become the head of the world.

Within this temple, in the cell of Jupiter, underground, the Sibylline books were preserved. An unknown old woman had offered to sell the king nine books for three hundred pieces of gold. Being treated with scorn, she burnt three, and then three more, and threatened to destroy the others, unless she received the same price for them which she had askt for all. The king repented of the incredulity which had lost him the greater part of an irreplaceable treasure. The prophetess gave him the last three books, and vanisht.

* Livy, v. 54.

The expedition against Pometia was the beginning of the wars against the Volscians, which fill the early annals of the republic. In the conquered territory Tarquinius founded two colonies, Signia and Circeii.

The primeval greatness of Gabii is still apparent in the walls of the cell of the temple of Juno. Dionysius saw it yet more conspicuous in the ruins of the extensive wall, by which the city, standing in the plain, had been surrounded, and which had been demolisht by a destroying conqueror, as well as in those of several buildings. It was one of the thirty Latin cities: but it scorned the determination of the confederacy, — in which cities far from equal in power were equal in votes, — to degrade themselves. Hence it began an obstinate war with Rome. The contending cities were only twelve miles apart: and the country betwixt them endured all the evils of military ravages for years, no end of which was to be foreseen: for within their walls both were invincible.

Sextus, the tyrant's son, pretended to rebell. The king, whose anger had apparently been provoked by his wanton insolence, condemned him to a disgraceful punishment, as if he had been the meanest of his subjects. He came to the Gabines under the mask of a fugitive. The bloody marks of his stripes, and still more the infatuation which comes over men doomed to perish, gained him belief and goodwill. At first he led a body of volunteers: then troops were trusted to his charge. Every enterprise succeeded; for booty and soldiers were thrown in his way at certain appointed places: and the deluded citizens raised the man, under whose command they promist themselves the pleasures of a successful war, to the dictatorship. The last step of his treachery was yet to come. None of the troops being hirelings, it was a hazardous venture to open a gate. Sextus sent to ask his father in what way he should deliver Gabii into his hands. Tarquinius was in his garden, when he received the messenger: he walkt along in silence, striking off

the heads of the tallest poppies with his stick, and dismist the man without an answer. On this hint Sextus put to death, or by means of false charges banisht, such of the Gabines as were able to oppose him. By distributing their fortunes he purchast partisans among the lowest class; and, acquiring the uncontested rule, brought the city to submit to his father.

But the security of uninterrupted good fortune was disturbed by an appalling prodigy. A serpent crawled out from the altar in the royal palace[1098], and seized on the flesh brought for sacrifice. It was the age when the Pythian oracle was in the highest repute. The king sent his sons, Titus and Aruns, with costly gifts to Delphi[99], to learn the danger that menaced him. The priestess, whose hints gave strength and confidence only to those forebodings, whereby we are to explore and find out our way through the darkness of our destinies, while they misled those who were without such feelings, answered, that he would fall when a dog should speak with a human voice[1100]. The person designated by the god was standing with the envoys in the temple; having propitiated him with the gift of a golden stick, enclosed and concealed in a hollow wooden one. The sister of king Tarquinius, wedded to M. Junius, had borne two sons, whom their father left behind under age. The elder was put to death by the tyrant for the sake of his wealth: the younger, Lucius, saved his life by assuming a show of stupidity: he ate wild figs and honey[1]. The Romans, like other

[1098] Ovid, Fast. II. 711. Or out of a pillar. Here again forgers, on the look-out for something possible, turned the altar into a *columna lignea:* Livy, I. 56. Dionysius has a pestilence as the cause of the mission to Delphi.

[99] Cicero, de Re p. II. 24.

[1100] Zonaras, II. 11.

[1] Albinus, quoted by Macrobius, II. 16. Stultum sese brutumque faciebat; grossulos ex melle edebat. There cannot be a livelier way of expressing folly, in an age that has not lost its primitive simplicity. Our language has no word for *grossi*, the fruit of the

nations, lookt upon a madman as sacred: and Tarquinius, as his guardian, enjoyed his idiot kinsman's fortune. This L. Junius, hence called Brutus, had accompanied the young Tarquins to Delphi. When the youths had executed their commission, they inquired of the oracle in their own behalf, who was to rule at Rome after their father. *He who first kisses his mother*, answered the priestess. The princes agreed to decide the matter by lot, and to keep it a secret from Sextus. Brutus, in running down the hill, fell; and his lips toucht the earth, in the centre of which Pytho, its primitive sanctuary, stood.

Other prodigies and dreams harast the king. Some eagles, that had built their nest on a palm in his garden, had flown out to fetch food. Meanwhile a flock of vultures came to the nest, tost out the unfledged caglets, and drove away the old birds on their tardy return. He dreamt that two rams, sprung from one sire, were brought to him before the altar; that he chose the finest for the sacrifice: the other pusht him down with its horns: at the same time the sun changed his course, and turned back from the West toward the East *. In vain was he warned by the interpreters of dreams against the man whom he deemed simple as a sheep. In vain did the voice of the oracle concur with the nightly vision. Fate must have its way.

Ardea, the city of the Rutulians, refused to submit to the king, and was besieged by a large force. It stood upon an insulated volcanic hill, with sides cut sharply down. The rock, where it was low, was surmounted by walls of square blocks of tufo. A fortress of this kind would have been impregnable even by the improved engineering of those later times, when the mechanical arts

wild figtree, used in caprification, as it is explained by Niclas on the Geoponics, p. 238, from Pontedera. In comparison to the figs which we eat, they are as unpalatable, as wild fruits are compared with garden-fruits of the same kind.

* Attius, quoted by Cicero, de Divinat. i. 22.

were carried to perfection, as the gifts of genius and oratory had been before; unless towers could have been built of the same highth with the rock, and driven close up to its foot. But in those days, except treachery lent its aid, famine was the only means of reducing a place, which could neither be scaled nor undermined. Hence the Roman army lay idle in its tents before Ardea, until the Rutulians should have consumed their provisions.

Here, as the king's sons and their cousin L. Tarquinius were sitting over their cups, a dispute arose about the virtue of their wives. This cousin, surnamed Collatinus from Collatia, where he dwelt as a dependent prince[1102], was the grandson of Aruns, the elder brother of the first Tarquinius, after whose death Lucumo removed to Rome. Nothing was doing in the field: so they straightway mounted their horses to visit their homes by surprise. At Rome the princesses were reveling at a banquet, surrounded by flowers and wine. From thence the youths hastened to Collatia; where at the late hour of the night Lucretia was spinning amid the circle of her handmaids.

It was not the bloodthirstiness, nor the avarice of the tyrants of antiquity, that was the most dreadful evil to their subjects: it was, that whatsoever object excited their fierce passions, whether a wife, a maiden, or a boy, death was the only security from shame. Outrages, like that suffered by Lucretia, happened daily; just as the Christians under the Turkish empire are exposed to such without any protection; and always were so, before any one thought on the possibility of breaking the accursed yoke. But the daughter of Tricipitinus was of noble birth; and this was the ruin of the Tarquins. Inflamed

[1102] Egerius, his father, lived there as governor: Livy, I. 38. That is to say, the poem related this, to explain how Collatinus and Lucretia happened to reside there. Thus here again it is evident that the genuine old form of the story has been preserved by Livy, not by those who removed their abode to Rome.

by reckless lust, Sextus returned the next day to Collatia, and according to the rights of gentile hospitality was lodged in his kinsman's house. At the dead of night he entered sword-in-hand into the matron's chamber, and by threatening that he would lay a slave with his throat cut beside her body, would pretend to have avenged her husband's honour, and would make her memory for ever loathsome to the object of her love, wrung from her what the fear of death could not obtain.

Who after Livy can tell of Lucretia's despair[1103]? She besought her father and her husband to come to her; for that horrible things had taken place. Lucretius came, accompanied by P. Valerius, who afterward gained the name of Publicola; Collatinus, with the outcast Brutus. They found the disconsolate wife in the garb of mourning, sitting in a trance of sorrow. They heard the tale of the crime, and swore to avenge her. Over the body of Lucretia, as over a victim, they renewed their vow. The moment was arrived for Brutus to cast off his disguise, as Ulysses threw off the dress of the beggar. They carried the corpse into the marketplace of Collatia. The citizens renounced Tarquinius, and promist obedience to the deliverers. Their young men attended the funeral procession to Rome. Here the gates were closed, and the people convoked by Brutus, as tribune of the Celeres. All ranks were inflamed by a single feeling. With one voice the decree of the citizens deposed the last king from his throne, and pronounced sentence of banishment against him and his family. Tullia fled from the city unhurt: the people left her punishment to the spirits of those whom she had murdered.

On the tidings of the insurrection, the king broke up with a few followers for Rome. But the city was shut

[1103] Dionysius relates it with great discrepancies, and far worse. It is more interesting to compare Ovid's finely wrought but heartless narrative (Fast. II. 685—852) with the noble account in Livy, which crowns his first book, the masterpiece of his whole history.

against him. Meanwhile Brutus marcht with some volunteers by a by-way to the camp. All bickerings with the patricians, every wrong, all distrust was forgotten: the centuries of the army confirmed the decree of the curies. The deposed king, with his sons Titus and Aruns, took refuge in Cære, where Roman exiles were entitled to settle as citizens *. Sextus went back to Gabii, as to his own principality. Ere long this act of audacity afforded the friends of those who had perisht by his means, the opportunity of taking vengeance for their blood.

A truce was concluded with Ardea; and the army returned to Rome. The centuries, by a formal decree in the field of Mars, confirmed the resolution of the curies and of the army; banisht Tarquinius and his detested house for ever; for ever abolisht the dignity of king; and outlawed every one who should dare to frame a wish of ruling as king at Rome. This was sworn to by the whole nation for themselves and their posterity. The laws of king Servius were reestablisht: bondage for debt was again prohibited: the right of the plebeians to assemble according to their tribes and regions was recognised: and, as the same code had prescribed, the royal power was entrusted to two men for the term of a year. The centuries chose Brutus and Collatinus consuls: the curies invested them with the *imperium*.

From Cære, where the banisht prince had only found a retreat, he repaired to Tarquinii. Here, and to the Veientines, he offered the districts which Rome had conquered from them. Etruscan embassadors were sent to demand his restoration from the senate; or at least that they should be responsible for his property, and that of all who had left their homes to follow him: these were numerous[1104], and the members of powerful families. The

* See pp. 323. 386.

[1104] That they were so considered in the tradition, is evident from this among other grounds, that in the accounts of the battles the Roman emigrants appear as a separate body. See the text to note 1230.

curies[1105],—for the decision rested with them, as what was confiscated went to the estates of the burghers[6],—resolved to give up the property. This afforded the embassadors time to excite a conspiracy, in which the Vitellii, with their sister's children, the two sons of Brutus, and the Aquillii, who were akin to Collatinus, were involved, along with many others. Many regretted the loss of that licence for their vices, which their birth and connexions gave them under the Tarquins: not a few may perhaps have found the liberties of the plebeians more grating than all the misdeeds of the tyrant. An honest slave, who perceived that mischief was brewing, became an unobserved earwitness of their last conference, for which the complices had met in a dark chamber: few rooms in the Roman houses had any light, except when the door was open. On his information the conspirators were seized, and early in the morning, when the consuls were administering justice in the Comitium, amid the assembled citizens, were brought before them. Brutus condemned his sons to death, in his capacity of a father, from whose sentence there was no appeal: the manner of inflicting it he determined according to his duty as consul. The other criminals, as patricians, had the right of appealing to the curies. But such a sentence from a father made weakness impossible: they were all beheaded.

The agreement to give up the property was annulled by this attempt to foment treason. It became clear too that freedom could not be securely establisht except by the fidelity of the commonalty. The chattels of the Tarquins were abandoned to the mob to plunder: their landed estates and the royal demesnes were parceled out among the plebeians: the field between the city and the river was consecrated to Mars, the father of Rome. Harvest came on:

[1105] Dionysius, v. 6.

[6] The very phrase *in publicum redigere* implies that it was confiscated for the *populus*. See note 1293.

to take the sheaves seemed a sin: they were thrown into the river, which is very shallow in summer. By running against each other their course was checkt; and they accumulated so as to form the foundation of an island, which seven generations after became the seat of the Epidaurian god.

The whole Tarquinian house was banisht. Even Collatinus had to lay down his office and to leave Rome. He did not join the enemy, but died at Lavinium. P. Valerius was appointed in his stead.

A large army of Veientines and Tarquinians advanced with the Tarquins. The Romans marcht out to meet them. The Etruscan cavalry was headed by Aruns Tarquinius, the Roman by Brutus. Both the generals gallopt on before the legions, and encountered: both fell mortally wounded. Then the infantry took up the battle, and fought till night parted them. Both armies were equally worn out; yet neither would own itself vanquisht. At midnight however they both heard the voice of the woodgenius out of the neighbouring forest of Arsia, declaring that the victory belonged to the Romans; for one more of the Etruscans had fallen. It was one of the voices by which panic terrours were spread. The Etruscans took flight. When the dead were counted, eleven thousand three hundred Etruscans were lying on the field; the Romans were fewer by one *. P. Valerius returned to the city in triumph. On the next day he solemnized the obsequies of Brutus. The matrons mourned a year for him, as for a father. The republic erected a bronze statue to him in the Capitol, with a drawn sword, in the midst of the seven kings †.

Valerius delayed procuring the election of a successor to Brutus, and was moreover building a stone house on the top of the Velia, where Tullus Hostilius had

* Plutarch, Publicol. c. 9.

† Dion Cassius, XLIII. 45: Plutarch, Brut. c. 1.

resided,—near S. Francesca Romana: from the Forum it had the look of a castle: this excited a suspicion that he aimed at usurping kingly power. His innocence kept him unconscious of this: when told of it he stopt the building. The people, ashamed and penitent, granted him a piece of ground at the foot of the ascent up the Velia, and, as a permanent mark of their gift, the privilege of having his doors open back into the street *.

The object of Valerius, in wishing to remain alone in the consulate, was that he might not have a collegue, whose opposition would be an insuperable obstacle, to thwart him in enacting laws for restraining the consular power within fixt bounds; such as with regard to the regal, the origin of which lay beyond the age of written ordinances, had only existed by custom, and had often been transgrest. He acknowledged that the curies were the source of his power, and that the consuls owed homage to the majesty of that assembly, by lowering the fasces before it; for which act he received the name of *Publicola*. In like manner it was an acknowledgement of the right of the plebeians to appeal to the tribunal of their own order, from sentences of corporal punishment pronounced by the consul on the strength of his plenary authority, when it was settled that thenceforward there should be no axe in the bundle of rods carried before him within the city. As soon as the Valerian laws were past, Publicola transferred the fasces to Sp. Lucretius as his senior. Lucretius did not live to the end of the year: it was closed by his successor M. Horatius, who at its expiration was called a second time to the consulate along with P. Valerius.

Jealousy was excited between the two collegues, owing to the desire of each to leave an enduring memorial of his name. The Capitoline temple, which was incomplete when Tarquinius was driven from the throne, had been

* Plutarch, Publicol. c. 10: Pliny, H. N. xxxvi. 24.

finisht under the consuls; and it had been decided by lot that M. Horatius should dedicate it. At the moment when he was grasping the doorpost, and about to pronounce the solemn words, M. Valerius, the consul's brother, came to him with these false tidings of sorrow: *O Marcus, what art thou doing! behold, thy son lieth dead.* A word of lamentation would have broken off the ceremony: Horatius, firm as Brutus, made answer: *Cast away the body; it concerneth not me.* Thus he accomplisht the dedication; and his name was read on the entablature of the portico until the destruction of the temple in the time of Sylla. The ides of September, on which he consecrated it, formed the commencement of the era, for keeping account of which a nail was driven in on the same day of every year.

Among the works of art with which the last king meant to decorate this temple, was a four-horsed chariot of baked clay, designed for the top of the pediment. This piece, which was to be executed by an artist at Veii, swelled out so prodigiously in the fire, that it was necessary to break open the furnace in order to take it out. Such a marvel would have been deemed of unequivocal import even among a people less familiar with the ways of destiny than the Etruscans. Accordingly the Veientines refused to deliver up the chariot to the Romans; pretending that it had not been made for the state, but for Tarquinius. The gods however would not allow Rome to be robbed of a work, which they had purpost should be a token of her fate. During the next Circensian games at Veii, the horses that won the prize darted violently away to Rome, and at the foot of the Capitol, near the *Porta Ratumena*, the name of which came from this Etruscan[1107], dasht their driver lifeless to the ground. Foreboding that a like misfortune would turn all their

[1107] The penultimate is long; for it has the common termination of Tuscan gentile-names, like Vibenna, Ergenna. See note 922.

festivals into mourning, the Veientines were fain to comply with the Roman people [1108].

The thought of being indebted to the tyrant for this temple, the chosen seat of the highest gods, and, long before the time when it surpast that at Delphi in riches, the most splendid ornament of Rome, was repugnant to the feelings of the later Romans. It seemed to them too as if the happy signs of the future, which manifested themselves while the building was preparing, could only be revealed, as if the prophetic books which were to guide the republic in times of great embarrassment, could only be vouchsafed, to one who had found favour with the gods. Hence the laying the foundations of the Capitol, together with the omens of a universal empire, and of its eternity, were assigned by many, the visit of the Sibyl by some, though but a few, to the father, L. Tarquinius Priscus. Earlier ages were of a different way of thinking. To them it was no stumbling-block, that the higher powers should shew favour even to a reprobate, who was observant of their service, until the measure of his guilt was filled; or that they should allow such a man to convey their blessings to a people whom they loved. Was the people to suffer, because the gods themselves had not the power of commanding Nature to endow its rulers with virtue?

In all the accounts however the building of the Capitol is connected by a vow with the Sabine war of the first Tarquinius: but the older legend confined itself to this [9]. The most lying of all the annalists [10], Valerius Antias,

[1108] Plutarch, Publicol. c. 13. The groundwork of the legend is the same in Festus, v. Ratumena porta; only a different story is there made of it. The Veientines are compelled by arms to deliver up the chariot; and it has already been erected, when the horses run away; at the sight of it they stand still.

[9] Thus in Cicero, de Re p. II. 20, it is said of Priscus, *aedem in Capitolio faciendam vovisse*; and, II. 24, of Superbus, *votum patris Capitolii aedificatione persolvit*. David too only made the vow: the temple was built from the ground by Solomon.

[10] Adeo nullus mentiendi modus est, says Livy of him: XXVI. 49.

by a clumsy transfer from the tradition about Suessa Pometia, fabricated the story that king Priscus obtained the means of executing the substructions from the spoils of the unknown Latin town of Apiolæ [1111]. In order that the work might not continue at a stand through the whole reign of Servius Tullius, and yet that it might not seem that the people had been opprest under him, a further expedient was devised, perhaps by the same writer: Servius was said to have carried on the building by employing the labour of the allies [12].

The site of the Capitoline temple was on the lower summit of the Tarpeian hill, now called *Monte Caprino;* which is separated from the *Arx*, where *Ara Celi* [13] stands, by a hollow at present almost imperceptible [14]. There was no flat surface here large enough: so one was gained, as on Mount Moria, by leveling the peaks, and by walling in a certain space, and then filling it up; works which in cost of labour were not inferior to the building of the temple. On this area a basement of considerable highth was erected, eight hundred feet in compass: it was nearly an equilateral quadrangle, the length not being fifteen feet greater than the breadth. The triple sanctuary of Jupiter, Juno, and Minerva, underneath the same roof, with party-walls to separate them, was surrounded by rows of pillars; a triple colonnade on the south, a double one on the other sides [15]. Beyond a doubt the whole temple was built of *peperino:* the pillars were of blocks, which can hardly have been even maskt with stucco: no marble shone from its walls: the doors were certainly of brass; so perhaps was the roof. Assuredly it was not a less noble building than the

[1111] Pliny, H. N. III. 9: Strabo, v. p. 231. a.

[12] Tacitus, Hist. III. 72: Servius Tullius sociorum studio.

[13] Which name seems to be a corruption of *Arce*

[14] This view was that of all the older and better topographers before Nardini: to me it was first imparted by Hirt. See his Dissertation on this temple in the Berlin Transactions for 1812-1813.

[15] Dionysius, III. 69: IV. 61.

temples of Pæstum: majestic in its simple grandeur, the course of ages, and the victories of three hundred years, gradually arrayed it in all that was splendid and precious. The artists who built and embellisht the Capitol, were sent for out of Etruria [1116]. The severity of the ancient Italian principle, which would not tolerate any corporeal representations of the gods, had already been overpowered by the influence of Greece.

The tradition, that the duumvirs who had the care of the Sibylline books [17] were instituted by the last Tarquinius, is evidently derived from the pontifical or augural records, like the statements concerning the establishment of the priestly offices by Numa. When we look at it historically, it would seem that the original appointment of a duumvirate taken from among the patricians must have been prior to the opening of the Vestal priesthood and of the senate to the third tribe. For unquestionably it is improbable that after that time it would be excluded from the custody of forein objects of religious reverence, wherein the plebeians were allowed to take part sooner than in the consulate and the higher colleges of priests: and the improbability is hightened by the fact that the Tarquins belonged to that tribe. But when the question lies between the father and son, this objection goes too far: and the lesser houses may possibly have been represented by one of the duumvirs, just as the Tities were by one of the two who held the other priestly offices.

That the Sibylline oracles kept in the Capitol made up three books, and consequently that by the tenour of the legend nine were brought to the king, seems to follow from the expression, that the keepers of them were charged to look into the Sibylline books; in opposition

[1116] Livy, I. 57.

[17] References to the passages which speak of the Sibylline oracles may easily be found in Fabricius, Bibl. Graec. ed. Harl. I. p. 246. foll.

to Pliny's statement, that two of them were burnt, and only one retained[1118]. After they had been consumed in the time of Sylla, the guardians of them may have ventured to tell, what previously could not cross their lips. So we may safely adopt Varro's account, that they were written on palm-leaves; and partly in verses, partly in symbolical hieroglyphics[19]. That statement is the less suspicious, as this material for writing is scarcely mentioned elsewhere among the ancients. Pliny takes for granted that they were written on papyrus; because he thought all books were so, before the invention of parchment. This is of no weight against an express assertion: and there is great plausibility in the interpretation of the scholiast, who suggests that the leaves of the Cumean Sibyl were designed by the learned poet as an allusion to the form of the old Roman Sibylline books. Their nature being such, we catch a glimpse of the manner of consulting them. To have searcht after a passage and applied it, would have been presumptuous. It can hardly be doubted that they were referred to in the same way as Eastern nations refer to the Koran and to Hafiz; and as many Christians, however strictly it has been forbidden, seek counsel of the Bible, by opening it, or employing a verse-box. The form of the Indian palm-leaves used in writing, oblongs cut to the same size, was well suited for their being shuffled and drawn. Thus the practice at Præneste was to draw a tablet.

The question however, whether these oracles contained

[1118] H. N. XIII. 27.

[19] Servius, on Æn. III. 444, and VI. 74. In foliis palmae interdum notis, interdum scribebat sermonibus. They may have been leaves of the finer sort of palm from Africa, drest for the purpose. At all events in case of need the dwarf palms, which grow so abundantly in Sicily, may have been used. The petalism of the Syracusans shews that the practice there was to scratch marks on leaves, as at Athens and in Egypt to write on potsherds: both were materials that cost nothing.

presages of coming events, or merely directions what was to be done for conciliating or appeasing the gods,—directions understood to be addrest to the particular case which led to the inquiry,—is perplexing, owing to the mystery which envelopt these books from the time when Tarquinius condemned a duumvir to suffer the punishment of a parricide for blabbing *. The command however to send for Esculapius from Epidaurus † can only have been conveyed in an oracle which spoke of a pestilence, that is so say, foretold it. During the period comprehended in the remaining books of Livy, the purpose of consulting these books was never, as it was in resorting to a Greek oracle, to get light concerning future events; but to learn what worship was required by the gods, when they had manifested their wrath by national calamities, or by prodigies. All the instruction too recorded is in the same spirit; prescribing what honour is to be paid to the deities already recognized, or what new ones are to be imported from abroad. The oracles in the restored collection are out of the question here. In the earlier ages, where we have annals [11c0], there is only a single example of a different kind: under the year 566 mention is made of a prohibition by the Sibyl to cross the Taurus with an armed force [21]. But it is utterly inconceivable that such a secret should have become notorious. Of the numerous Sibylline oracles circulating among the Greeks, many at that time related to Rome: the Romans themselves regarded them with respect, as akin to their own: and most probably one of these had been heard of by the legates sent by the senate to the army of Cn. Manlius. It may

* Dionysius, IV. 62: Valerius Maximus, I. 1. 13.

† Livy, X. 47.

[11c0] I have not overlookt the passage in Livy, III. 10: but what weight can be attacht to statements out of those times? Besides an oracle never speaks with that downright distinctness. The one which in Cicero's times forbad an expedition to Egypt, came out of the restored set.

[21] Livy, XXXVIII. 45.

notwithstanding have been ancient, supposing that it did not speak of any particular state, and was merely applied at the time to the Romans. Possibly the prophet may have had the Lydian kings in his eye. There had been an abundance of generals however during the two preceding centuries, who might have furnisht occasion for such dissuasives. That the Roman Sibylline oracles came from an Ionian source, although the neighbouring town of Cuma likewise boasted of her prophetess, is clearly proved by their enjoining the worship of the Idæan mother[1122]; as well as by the mission to Erythræ for the sake of restoring the books after their destruction.

Had the early Romans been as ignorant of the Greek language as is usually supposed, their consulting Greek oracles would have been next to impossible; and yet nobody has ever questioned that those of the Sibyl were written in Greek. Nor is this merely to be inferred from passages unequivocally implying it: the statement that two Greek interpreters were sent for, in order to be quite sure of the meaning[23], amounts to an express testimony. Besides, had not the oracles been composed in Greek hexameters, it would never have been believed that they might be replaced by those which were to be found in the Greek cities. But the Romans were far from being unacquainted with Greek. The Greek books dug up along with those on the pontifical law, in the pretended grave of Numa, must at all events have been buried there in very early times. In the fifth century the Roman envoy at Tarentum spoke Greek, though but imperfectly: and were the fact otherwise, how would several eminent Romans have been able to write Greek all at once in the age of Hannibal, before the period when Greek

[1122] Livy, XXIX. 10. Varro too held the Erythræan Sibyl to be the one that visited Tarquinius: Servius, on Æn. VI. 36.

[23] Zonaras, VII. 11. These are the two *servi publici* attacht to the duumvirs in the account of Dionysius: IV. 62.

literature was introduced? The Greek origin of the oracles is likewise plain from what they enjoin. They invariably ordained the worship of Grecian deities: and hereby they must have exerted a great influence on the religion of the Romans, in suppressing what it had derived from the Sabines and Etruscans. To sacrifice according to Greek rites was the same thing as sacrificing by the command of the Sibylline oracles: and every keeper of these books was as such a priest of Apollo.

It is true, if those *books of fate*, by order of which more than once in seasons of perilous warfare two Greeks and two Gauls, a man and woman of each people, were buried alive, were the Sibylline books, as Plutarch conceives [1124], then what went by that name among the Romans can never have come from a Greek source. Nor will I deny that Livy, who on a like horrible occasion expressly mentions the *libri fatales*, gives that title in another place to the Sibylline books: indeed he is warranted in doing so; for they too were *books of fate*. In fact, along with these Greek books, there were preserved in the Capitol, under the guard of the same duumvirs, the Etruscan prophecies of the nymph Bygoe, and the homesprung ones of the Marcii [25]; those of Albuna too or Albunea of Tibur [26]; and who knows how many others of the same sort? These were all *books of fate*: and every Etruscan city seems to have possest such. We know of the Veientine ones, from their having connected the destiny of Rome and Veii with the letting off the Alban lake. Now if Albunea, who was accounted among the Sibyls, was the prophetess who advised, that fate, should it have

[1124] Marcell. c. 3.

[25] Servius, on Æn. VI. 72. Those of the Marcii had not been placed there when the battle of Cannæ was found in them: Livy, XXV. 12.

[26] Lactantius, Div. Instit. I. 6. 12: Sibyllam deciman Tiburtem, nomine Albuneam—cujus sortes senatus in Capitolium transtulerit: where see the commentators.

promist the possession of Rome to Gauls or Greeks, should be trickt, as in the treatment of the envoys from Arpi at Brundusium [1127], Plutarch's mistake would be excusable.

In primitive times perhaps every Greek city had prophecies of the same kind with all these, by a Sibyl, or a Bacis, or some other soothsayer; which were preserved in its acropolis, in the holiest of its temples: as was the case under the Pisistratids, and afterward under the Athenian republic. Here again we discover the original correspondence between the Roman institutions and the Greek; which was hidden from sight, when each of the two nations, the Greeks however long before the Romans, developt the strong peculiarities of their national character. Living oracles like those in Greece, where the deity answered the inquirer through the mouth of an inspired minister, did not exist among any Italian people: hence the mission to Delphi. Among the Apulians on mount Garganus the kindred Greek custom prevailed of earning a prophetic vision by sleeping in the temple after offering up a sacrifice; but it was in a Greek *heroum* of Calchas *.

The Roman oracles were not accessible to private individuals. He who sought for such guidance from the heavenly powers, went to Prænestè to the temple of Fortuna; the goddess who dispenst whatever was special and providential; who diverted the chances of an individual's life from the course prescribed and determined for him by Fate at his birth, and by his own character; who delayed or hastened his journey along it; the doom of the individual being a particular sphere of possibility ordained by Fate, within the far more extensive range of possibility markt out by Nature. The lots preserved at Prænestè were sticks or slips of oak board, with ancient characters graven on them. A nobleman of that city was said to have found them in the inside of a rock, in a

[1127] Justin, XII. 2. * Strabo, VI. p. 284. b.

spot where he had cleft it open as he had been commanded in dreams that haunted him. They were shaken up together by a boy; and one of them was drawn for the person who consulted the oracle [1128]. They remind us of the Runic staves among the northern nations. Similar divining-lots were to be found in several [29], perhaps in a great many places. Those of Cære are mentioned on occasion of the prodigy which befell them, when they shrank so that an oracle fell out without the touch of a human hand *. Those of Albunea must have been written on some material like that of the Prænestine ones, since they were found in the bed of a river.

The banishment of the kings was commemorated every year by the *Regifugium*, or the *Fugalia*, on the 24th of February. This is the ground on which Dionysius states [30] that four months of the year were still to come: that is, he reckoned according to the average of the Athenian calendar, the first month of which coincided more or less with July; and assumed that the festival was a day historically ascertained. But its connexion with the Terminalia, which it follows immediately, infers that the day was merely chosen with a symbolical view.

[1128] Cicero, de Divinat. II. 41.

* Livy, XXI. 62: XXII. 1.

[29] The same.

[30] v. 1.

COMMENTARY ON THE STORY OF THE LAST TARQUINIUS.

I HAVE related the tale of the last king's glory and of his fall no less nakedly than it must have stood in those bald Annals, the scantiness of which made Cicero think it his duty, and induced Livy, to throw a rich dress over the story of Rome. That which is harmonious in a national and poetical historian, would be out of tune in a work written more than eighteen hundred years later by a foreiner and a critic. His task is to restore the ancient tradition, to fill it up by reuniting such scattered features as still remain, but have been left out in that classical narrative which has become the current one. and to free it from the refinements with which learning has disfigured it. That distinct and lively view, which his representation also should aim to give, should be nothing more than the clear and lively perception of the outlines of the old lost poem. Had a simple narrative by Fabius or Cato been preserved, I would merely have translated it, have annext the remnants of other accounts, and then added a commentary, such as I have now to write on my own text.

Certain as it is that Rome possest Sibylline books, and yet none can tell who wrote them, or say more than that the Sibyl is a poetical creation; it is no less indubitable that Tarquinius was a tyrant, and the last king of Rome. No criticism is able to pierce further than this, or to sever the historical touches from the poem: all it can do is to shew what is the state of the case.

It is true, the most glaring among the chronological impossibilities vanish in some measure, when we look at this story independently of the dates fixt by the pontiffs for Priscus and Servius. If however it be then no longer inconceivable that Brutus should have been a grandson of the former, still all else that is told of him continues nevertheless to be a string of absurdities. That the second Tarquinius should have reigned for more than the five and twenty years assigned to him, can neither be assumed by those who maintain that this narrative is substantially historical; nor will a candid inquirer deem it credible. But how then is it to be reconciled, that Brutus should be a child at the beginning of the reign, and at the end of it the father of young men who join in a conspiracy with the exiles? When Dionysius states they were scarce grown out of boyhood, he introduces a fiction of his own but to no purpose. Besides how could a person who was thought to be a natural, be the king's lieutenant, with the obligation of performing priestly ceremonies, and the power of convoking the citizens? and can we suppose that while he was invested with such an office, he had not even the management of his own fortune?

In contradiction to the two historians, who represent the subjugation of Latium as effected by persuasion, Cicero says that it was subdued by arms[1131]. Nor is the discrepancy less, where the Veientines are the only Etruscan people named by him as having endeavoured to restore the banisht family by military force[32]. So that the introduction of the Tarquinians into the tale of this war is a forgery; which was devised, because of course there could be no place where the exiles would rather have sought for aid, or more readily have found it, than in their pretended home.

Their migration to Cære, totally unconnected as it is

[1131] De Re p. II. 24: Omne Latium bello devicit.

[32] Tusc. Quaest. III. 12(27). See note 1202.

with the subsequent Etruscan wars, is derived from the pontifical lawbooks; where it was brought forward as the origin of the right conferred by the community of franchise to go and settle there as a citizen.

The story of Sextus and the people of Gabii is patcht up from two well-known ones in Herodotus*, without any novel invention. Besides it is quite impossible that Gabii should have fallen into the hands of the Roman king by treachery. Had such been the case, no one,—I will not say no tyrant, but no soverain in antiquity,—would have granted the Roman franchise to the Gabines, and have spared them all chastisement by the scourge of war; as Tarquinius is said to have done by Dionysius himself[1133]. In fact the record of this concession to them was contained in the treaty with Gabii, which in his days was still to be read in the temple of Dius Fidius. It was painted on a shield cased with the skin of the bull slain at the ratification of the league[34]. The very existence of a treaty, though reconcilable with the case of a surrender, puts the forcible occupation out of the question.

The spoils, with the produce of which Tarquinius undertook the building of the Capitol, the tithe of what was taken at Pometia, were estimated by Fabius at forty talents[35]. Others, Piso for instance, have stated the whole, of which that sum was the tithe,—four hundred

* III. 154. v. 92. [1133] IV. 58. [34] Dionysius, IV. 58.

[35] It is owing to one of the many corruptions in our received editions, that we now find *quadringenta* instead of *quadraginta* in Livy, I. 53, 55, against the manuscripts. Though, when he wrote, it may no longer have been generally known, that the Italian talent weighed a hundred pounds, so that 400 talents were equal to 40000 pounds; still he could never have perceived such an enormous difference between those two sums as his expressions imply. Pometinae manubiae vix in fundamenta suppeditavere. Eo magis Fabio—crediderim—quam Pisoni, qui XL millia pondo argenti seposita in eam rem scribit: summam pecuniae neque ex unius tum urbis praeda sperandam, et nullius, ne horum quidem magnificentiae operum, fundamenta non exsuperaturam. Livy cannot have been thinking of smaller talents

talents, or forty thousand pounds of silver — to have been only the tenth part; so that the remaining nine must have been given up to the soldiers, every one of them receiving five pounds of silver, or five thousand ases. Nay, once on the wing, they do not stop here: these 4000 talents, near a million sterling, were nothing more than the gold and silver found in Pometia: all the rest of the property was abandoned to plunder [1136]. It is worth remarking, that the very author who banisht all marvels out of his history, took no offense at this enormous absurdity. But even the number given by Fabius, out of which this fiction was spun, betrays its fictitious origin. For, assuming that the booty, after the principle of the ancient confederacies, was divided between the Romans, Latins, and Hernicans, the tithe on the whole, if the Roman share was forty talents, amounted to thrice as much, that is, to twelve times ten talents: where accordingly we find the very same numbers on which these meagre fictions are perpetually ringing the changes [37]. Nay, Pometia cannot possibly have been destroyed under Tarquinius: for a few years after, in the first age of the consulate, it is besieged and taken *: and its greatness no doubt is entirely fabulous. It may be true that the Pomptine marshes derive their name from

than the Attic; and between these and the Italian the difference was only that between 2400000 and 4000000 drachms.

[1136] Dionysius, IV. 50, compared with Livy, I. 55. This on a calculation gives us an army of 72000 men; and the share of every soldier, merely in hard cash, is equivalent to 50 beeves. See p. 462. Vol. II. note 448.

[37] With such barrenness of invention did those annalists, in whom Dionysius sought for more copious details, go to work, perpetually repeating themselves, and transferring incidents from one story to another, that the spoils won from the Latins, not in alliance with them, at the battle of Regillus, out of which spoils games were celebrated, were set down at 40 talents: VI. 17.

* Livy, II. 17.

Pometia, and that a city so called once stood on the hills at the edge of them: it certainly did not stand within them, — where it has only been placed, because no trace of it was to be found, and it might there have been swallowed up in the dreary swamp; — for the air must always have been pestilential. If this morass was ever cultivated more widely than at present, it can only have been as the result of successful drainage: and after all the extent can never have been considerable. For it is not a piece of land that has been inundated: the correct view is, that there was once an arm of the sea here stretching in behind sand-hills, and that it has gradually been converted into a swamp: during which process however many thousand years more have past away, than was supposed by those who imagined that this was the state of things in the times of the Odyssee. I shall hereafter give my reasons for conjecturing that there was no Suessa called Pometia, and that the only town of that name was Suessa Aurunca *.

Thus in the story of this king again, both the outline and details vanish before us, when we put them to the test. Even his abolishing the institutions of Servius cannot be admitted without limitation. For the array of the army in maniples implies the existence of centuries and a census: and so do the comitia held immediately after his fall.

As to the particular acts of tyranny told of Tarquinius, they are the more suspicious, because, when a man has fallen, vulgar party-spirit esteems it allowable, and sometimes even a duty, to indulge in the utmost exaggeration of his guilt, nay often in calumnious inventions. There is the air of such an invention in the story that he introduced human sacrifices [1138]: and, as even slander must have a national character, one Asiatic writer says, that

* See Vol. II. note 166.

[1138] Macrobius, Saturn, I. 7.

he invented instruments of torture[1139]; another, that he castrated boys and defloured brides[40].

That Brutus procured the banishment of the Tarquins, in his capacity of tribune of the Celeres, was demonstrated by the *lex tribunicia*[41]. From this source came the information that he held that office. The lay, which spake of his feigned idiocy, cannot have known anything about this, and was incompatible with it: the annalists combined the two stories. That poetical tale was perhaps occasioned by his surname; which yet may have had a very different meaning from the one there affixt to it. I have before observed that Brutus in Oscan meant a runaway slave[42]. Now it is easy to understand, that the partisans of the Tarquins may have applied such a term to him, and that on the other hand he and the Romans might not be sorry to let the nickname pass into vogue.

The coming of Sp. Lucretius with P. Valerius, of Collatinus with Brutus, to the house that had been desecrated, and their joining in vowing the banishment of the tyrants, has quite the look of a historical fact. Yet this "oath of the four Romans"* is only symbolical of the union between the three patrician tribes and the plebs: although it is by no means my intention to deny that these very four men may have represented their orders, each the one he belonged to, or that, until the consulship was establisht, they may perhaps have governed the republic. Valerius stood for the Sabines. That Lucretius belonged

[1139] Eusebius, Chron. N. 1469: Ἐξεῦρε δεσμὰ, μάστιγας, ξύλα, εἱρκτὰς, φυλακὰς, κλοιοὺς, πέδας, ἀλύσεις, ἐξορίας, μέταλλα, καὶ εἴτι ἄλλο κακόν. So also Isidore, Origin. l. v. c. 27.

[40] Theophilus, ad Autolyc. III. 26.

[41] Pomponius, l. 2 D. de origine juris. See note 1164

[42] See pp. 63. 98.

* It reminds us of the oath of the three Swiss on the Rütli.

to the Ramnes, would be clear, even from the legal tradition that the lictors went from Valerius to him owing to his superior rank [1143]. But it follows still more decidedly from his office as governor of the city, which was attacht to the dignity of the first senator, that is, of the first among the ten first of the Ramnes [44]. Hence Lucretius was interrex. Collatinus, as a Tarquin, was one of the Luceres [45]; and Brutus a plebeian [46].

[1143] We must not let ourselves be misled by Cicero's saying of them (de re p. II. 31), suos ad eum *quod erat major natu* lictores transire jussit (Valerius). The story refers to the precedence of the *consul major*, with regard to the meaning of which phrase even L. Cæsar felt uncertain: see Festus, v. majorem consulem. The epithets of the *patres*, *majores* and *minores*, were perpetually, though in a variety of ways, perplexing the Romans of a later age, whose errours were repeated by Dionysius and Livy. The Ramnes were just as much *majores* in comparison with the Tities, as both of them were in comparison with the third tribe. Dionysius, II. 47, (where instead of *νεωτέρους οὓς ἐκάλεσαν πατρικίους* we ought to write *οὓς νεωτ. ἐκ. πατρ.*), and 57: *Οἱ μὲν ἐκ τῶν ἀρχαίων βουλευτῶν ᾤοντο* —*οἱ δ' ἐκ τῶν ὕστερον ἐπεισαχθέντων* (the Tities), *οὓς νεωτέρους ἐκάλουν*. Moreover I suspect that the Roman youths are wronged, when the conspiracy of the Vitellii and Aquillii is ascribed to the facility with which their age may be seduced. The eponym of the former was no other than Italus himself (see above, p. 14): and in the house of the Aquillii we find the surname Tuscus. Hence they were both Tyrrhenians, and so probably Luceres: and the *minores*, whose irritation against the Tarquins was only transitory, and among whom their embassadors would naturally look for conspirators, seem to have been mistaken for *juvenes*.

[44] This I shall shew in the next volume, in the section on that office.

[45] See p. 378.

[46] On this point see the next section. The forms of the constitution are so completely lost sight of in the interest of the poetical story, that not a word is said about the senate at the revolution. Yet it was absolutely impossible for the curies to pass any decree without a previous resolution of the senate: and the mention of Sp. Lucretius, as holding the double office (see Vol. II. note 236), shews manifestly that in the law-books all the particulars were fully reported. As first senator he was prefect of the city, and brought forward the measure before the senate; not before the curies: that was

The story of Lucretia's misfortune, and of the consequent expulsion of the Tarquins, is inseparably connected with the camp before Ardea. Now since we find the Romans, in the treaty of the first consuls with Carthage, stipulating as protectors for the people of Ardea, as for a subject Latin city[1147], the statement that at the moment of the Revolution a fifteen-years truce was concluded with them, cannot be maintained. Nor can the war itself be saved from falling along with that statement; except by such arbitrary proceedings, as the very persons, who assert the historical character of these legends, do not scruple to allow themselves; namely, by assuming that the truce is a misrepresentation, and that Rome may have reduced Ardea to subjection in the interval.

Now as we find marks of invention and alteration throughout this narrative, I will not leave the perplexing part of what is related of Collatinus in its enigmatical form, but will hazard an explanation of it. It is revolting beyond belief, that the death of Lucretia should not, at least as a pledge, have redeemed her husband, and her children, if she left any, from banishment: the commonplaces about the unjust jealousy of republics, which were used to get over this difficulty some nineteen hundred years ago*, would nowise lessen the people's guilt. But what if the marriage of Collatinus with the daughter

the business of the tribune of the Celeres. As interrex he merely presided in putting to the vote the election of the candidates proposed by the senate. Even on this point however a trace of the correct account may be discovered, strangely enough, in Dionysius, where Brutus tells the citizens they had to hear and to decide on the measures decreed by the senate: *ἐὰν τὰ δόξαντα τῷ συνεδρίῳ μαθόντες ἐπικυρώσητε τὸ δοχθέν*: IV. 84. These measures are no other than those which, according to his account, were agreed upon by the four men in the house of Collatinus.

[1147] *Καρχηδόνιοι μὴ ἀδικείτωσαν δῆμον Ἀρδεατῶν — μηδ' ἄλλον μηδένα Λατίνων ὅσοι ἂν ὑπήκοοι.* Polybius, III. 22.

* Cicero, de Offic. III. 10. de Re p. II. 30, 31: Livy, II. 2.

of Tricipitinus was merely a fiction, to account for, or to excuse, the appointment of a Tarquinius to the consulate?

At Athens the first step was to withdraw the splendour of kingly soverainty, along with its title, from the Codrids. Next their diminisht power was limited to a term of ten years; before the archonship was made annual, and thrown open to other houses; then to the rich among the eupatrids; and finally to every full citizen, being now no longer anything but a brilliant phantom. In like manner the supreme power, or some memorial of it, descended in other Greek states from the king upon *prytanes* of the house he had belonged to. It might seem as if in an elective monarchy, like Rome, there would be no overruling necessity for so gradual a transition. Yet such a necessity would be felt, if we suppose that the power of the Tarquins was in fact already lookt upon as hereditary, and that the lesser houses had acquired such a preponderance by their means, as may have been the chief reason which induced the major houses to unite with the commonalty. In such a case it is extremely probable that a conciliatory compromise would be made with the Tarquinian house, allowing that one of them elected by the people should partake in the supreme power; more especially in a state where the advance of the constitution was more gradual than in any other. This is the more credible, as a like privilege seems to have been afterward granted to the Valerii and the Fabii. In this way Collatinus may have obtained the consulship. But the change going on in the state would not halt long at this first step. The Tarquinii furnisht grounds for suspicion; and the whole house was banisht[1148]: a record

[1148] Cicero, de Re p. II. 25: Civitas exulem et regem ipsum, et liberos ejus, et *gentem Tarquiniorum* esse jussit.—31: Nostri majores Collatinum innocentem suspicione cognationis expulerunt, et *reliquos Tarquinios* offensione nominis: which passage also draws a clear line of distinction between the kinsmen and those members of the

which is the more instructive, as it represents them under an entirely different aspect from that of a single family, the grandchildren and great-grandchildren of Damaratus.

house who were not connected by blood. Livy, II. 2: Ut omnes *Tarquiniae gentis* exules essent. He separates this from the decree, exules esse *L. Tarquinium cum conjuge ac liberis*: I. 59. Varro, Antiquit. XX. p. 209, in Nonius, III. v. Reditus: *Omnes Tarquinios* ejecerunt, ne quam reditionis per *gentilitatem* spem haberent: that the royal family might not cherish any hope of being restored by the other members of their gens.

THE BEGINNING OF THE REPUBLIC, AND THE TREATY WITH CARTHAGE.

THE Tarquinii, from what has been said, may have rejoiced, even more so than any other citizens, at a change, by which the power, until then enjoyed by a single individual, was placed annually within the reach of every noble member of their house, and was secured to them, without being stript of anything but its priestly dignity. For the kingly power was transferred, with no abridgement but this, to the annual magistrates, who in those times still retained the name of pretors. Hence that accurate writer, Dion Cassius, deviating from all others, does not use the name of consuls until after the decemvirate; when, as he conceived, the title was changed [1149]. I shall allow myself however to follow Livy and Dionysius in giving this glorious name to the immediate followers of the kings. For which reason I will here introduce the remark, that this title is neither to be derived from *consulting* the senate, nor from giving *counsel* [50]: for, especially

[1149] Zonaras, VII. 19. Livy too at the same period of his history (III. 55) mentions that *praetor* had been the earlier name. Zonaras is so punctual a copier that up to this time he always uses στρατηγός.

[50] The former explanation was preferred by Varro; the latter by Dionysius (IV. 76); and was given by L. Attius (Varro, de L. L. IV. 14. p. 24) in his *Brutus*. This play was a *praetextata*, the noblest among the three kinds of the Roman national drama; all which assuredly, and not the Atellana alone, might be represented by well-born Romans without risking their franchise. The praetextata merely bore resemblance to a tragedy. It represented the deeds of

at the beginning of the republic, commanding was far more than either the one or the other the distinguishing attribute of the consulate. Without doubt the name means nothing more than simply *collegues*. The syllable *sul* is found in *praesul* and *exsul*, where it signifies *one who is:* thus *consules* is tantamount to *consentes*, the name given to Jupiter's council of gods.

It assuredly was merely from representations of the legitimate procedure in consular elections, drest up in a historical form, that the historians took their positive statement as to the election of the first consuls by the centuries [1151]. This certainly is not historical evidence. Yet, although the election rested afterward with the curies, we can discover how it was usurpt: and it is not conceivable that at the very first, when the plebs was treated with indulgence, the laws of Servius should have been violated. Only by a union with the commonalty could the older tribes drive the third back within bounds: and hence they allowed those laws to be executed so completely, that the plebeian L. Brutus was chosen one of the first consuls.

Roman kings and generals (Diomedes, III. p. 487. Putsch.): hence it is evident, that at least it wanted the unity of time of the Greek tragedy; that it was a *history*, like Shakspeare's. I have referred above (p. 493) to a dialogue between the king and his dream-interpreters in the *Brutus*, which must have taken place before Ardea. The establishment of the new government, which must have been the occasion of the speech, *qui recte consulat consul siet*, occurred at Rome: so that the unity of place was just as little observed. *The Destruction of Miletus* by Phrynichus, and *the Persians* of Eschylus, were plays that drew forth all the manly feelings of bleeding or exulting hearts, and not tragedies: for these the Greeks, before the Alexandrian age, took their plots solely out of mythical story. It was essential that their contents should be known beforehand; whereas the stories of Hamlet and Macbeth were unknown to the spectators. At present parts of them might be moulded into tragedies like the Greek; if a Sophocles were to rise up.

[1151] Comitiis centuriatis, says Livy: κατὰ λόχους, in the field of Mars, Dionysius.

For I confidently regard Brutus as belonging to the plebs, which he represented among the four men. The Junian house lookt upon him with pride as the founder of its nobility[1152]: and that they, especially the Bruti, were plebeians after the time of the Licinian law, is unquestionable. It is proved by their being tribunes of the people down to the end of the republic[53]: and in the fifth century more than one Junius Brutus appears in the consular Fasti as the plebeian collegue. Now it is true that in many cases plebeian families were in later ages the only surviving descendants of patrician houses: and it is possible, although an instance in point will hardly be found, that such a family may have retained the peculiar surname of the patricians to whom they were allied. But is it not exceedingly strange, when we keep in mind the distinction between a house and a family, that before the Licinian law not a single Junius occurs in the Fasti? even admitting that the immediate posterity of Brutus were

[1152] Cicero, Brut. 14. (53); Philip. I. 6. (13). It can only have been in consequence of their deducing their race, like the Sergii and Cluentii, from one of the companions of Æneas, that Dionysius (IV. 68) attributed that descent to the founder of the republic. When the eponyms of the houses were once supposed to have been their progenitors, such a genealogy was at all events just as well suited to a plebeian house, that came from some Alban or Latin town, as to one of the Ramnes.

[53] Dionysius, V. 18, uses this very argument to shew that the later Junii Bruti were totally unconnected with the founder of the commonwealth. He may have been sincere in this belief: and so may Dion, XLIV. 12: but the former cannot possibly be so in the odious picture, which, when relating the secession of the commonalty, he tries to give of the plebeian orator, L. Brutus (supposing him to be the ancestor of M. Brutus), as of a mischievous incendiary; although all the demands ascribed to him are perfectly reasonable and judicious. The opinions profest after the battle of Philippi are worth still less than those, slight as their grounds also may be, which were held in the time of Cicero. If Posidonius fancied he discerned a likeness to the features of the ancient statue (Plutarch, Brut. 1.), this only proves that he lookt with eyes of fondness.

extinct. The L. Junius Brutus too, who is mentioned by Dionysius sixteen years after the first consulate as one of the two first tribunes of the people, afterward as edile, and of whom he has a great deal to tell us[1154], but of whom Livy knows nothing, was probably not a totally fictitious person, but one transferred by some plebeian annalist to that age from one somewhat later, for the sake of ascribing the establishment of the freedom of the plebeians to a kinsman of the founder of the commonwealth. I have already remarkt that, unless the consulate was shared between the two orders, all the liberties of the plebeians were left without a safeguard. As the Licinian agrarian law in fact only revived that of Cassius, which ought to have been in force during the foregoing hundred and twenty years, and which itself had merely given effect to an ordinance of Servius; in the same way the Licinian law on the consulate seems merely to have given a tardy effect to a very ancient principle of the constitution. The legend indeed calls L. Brutus the son of Tarquinia: but this no way tells against his being a plebeian; for it belongs to the fable of his assumed idiocy: and even if we adopt that account, yet marriages of disparagement were never forbidden, and were even frequent. Though in fine it seems difficult, as I admit, to reconcile his being tribune of the Celeres with his being a plebeian, yet the usurper might assume the disposal of a place, which legally ought to have been conferred by election. This was done by the Greek tyrants whenever they pleased. It is clear that in such a state of things the rights of the orders would not be regarded. Tarquinius, having availed himself of the jealousy of the patricians, would now have to watch them. Brutus too may have deceived the tyrant by pretended devotedness,

[1154] Throughout the history of the Secession in the sixth book, and in the seventh in the account of the law by which the tribunes secured themselves from interruption when addressing the people.

in order to destroy him [1155]. Moreover it is to the point to remark, that the office of the *magister equitum* was universally regarded as a continuation of that tribunate; and yet a plebeian could hold it at the time when the consulship was still closed against his fellows *. As soon as the patrician tribes were united among themselves, the enjoyment of this right might easily be withdrawn from the commonalty, by a little boldness, and the crafty pretense of giving them a compensation by other freer privileges.

The elective kings of Rome enjoyed the same honours as the hereditary kings sprung from heroic houses. But the custom for a whole people to mourn for such on their decease was not peculiar to Lacedemon: and in this way no doubt those of Rome too were mourned for. I conceive that the testimonies of sorrow, which the matrons were said in the ceremonial books to have given for the death of Brutus and Valerius, must have been acts of homage, which, so long as the consul was held to have succeeded to the full rights and privileges of the king, were paid to every one who died during his year of office.

But however near the majesty of the consuls may have approacht to that of the kings, the patrician class at least was far better secured against a consul's abusing his power; first by the interposition of his collegue, and next by the annual duration of his authority. To bring a complaint against the kings was impossible, as it continued to be against every one while in office. A consul, if not reelected, sank to the level of a private citizen; and then the questors might impeach him.

[1155] I will not lay any stress on the passage where Dionysius expressly says (IV. 71) that the king bestowed the office on Brutus with a view of undermining its authority: although this doubtless was also the case, if we suppose that an alien to the order was invested with it.

* See note 1259. Pomponius Dig. Lib. I. Tit. II. 1: Dictatoribus Magistri Equitum injungebantur; sic quomodo Regibus Tribuni Celerum.

These public accusers, and not the keepers of the public purse, must have been the questors spoken of in the curiate law, by which Brutus had it enacted that their office should continue on the same footing as under the kings. It assuredly was only by inference that Tacitus, who seems to have known this law merely at second hand, and who found a statement of the first time that the centuries appointed to this place, not perceiving that by the decemviral code the election was transferred to them from the curies, concluded that the questors had previously been named by the consuls, and before by the kings. That they were chosen by the people, that is, by the curies, under the monarchy, was expressly stated by Junius Gracchanus [1156]. It is immaterial here, that Tacitus and Ulpian both confound the *quaestores classici* with the *quaestores parricidii:* which same mistake must lie at the bottom of Plutarch's account; although he explicitly states that the establishment of a public treasury, and the right of electing two treasurers conferred on the people, were among the enlargements of liberty for which the republic had to thank the consul Publicola [57]. He appears to have heard some report of the same law of the curies, differently modified, and referred to Publicola instead of Brutus.

There is the same fluctuation between Brutus and Publicola in the account of the filling up the number of the senate. Livy ascribes it to the former; Festus and

[1156] Tacitus, Annal. XI. 22. Ulpian, Dig. I. 13. Quos (reges) non sua voce sed populi suffragio crearent. Compare Lydus, de Magistr. I. 24.

[57] Publicol. c 12. ταμιεῖον ἀπέδειξε—ταμίας δὲ τῷ δήμῳ δύο τῶν νέων ἔδωκεν ἀποδεῖξαι. Plutarch drew much of his early Roman history from Valerius Antias: and we can easily conceive that this writer, vain of the house to which he in some measure belonged, would ascribe all he could to Publicola. The word νέοι seems to be taken from the usage of later times: in this place we can hardly suspect that there was any confusion between the νέοι and the νεώτεροι.

Plutarch to the latter; Dionysius, combining the two accounts, to both. Tacitus, who tells us that Brutus raised the minor houses to the patriciate[1158], is on the side of Livy: for he, like Dionysius, is misled by the notion that the patricians were noble families, the posterity of such individual senators as were appointed at the foundation of the state, or on some later occasion, with regard to which opinions differed. In this way he overlooks the change made by Tarquinius Priscus; from fixing his eye on the other great augmentation, when, after the establishment of the consulate, plebeian knights were admitted into the senate; when therefore it first began to be composed of *patres* and *conscripti*[59], patricians and such as were called up by the consul. The account placing the latter at 164 must certainly be a fabrication of Valerius Antias[60]. These arbitrary numbers were a trick by which he tried to give his fictions a delusive resemblance to genuine accounts.

Livy says, the tyrant had emptied the senate-house by his executions[61]. This too must be an exaggeration: and whatever quantity of blood may have flowed, there was no want of patricians to make up the complement; inasmuch as thirty years afterward the Fabii, even if they did not amount to three hundred, were yet so numerous that they formed a settlement. It is more likely that very many seats were vacated by the banishment or emigration of the adherents of the Tarquins. If we look at the matter historically, it was the necessity of quieting the second estate, that moved the patricians to agree for the time to admitting these senators: and if the personifying principle be consistently applied, we shall ascribe

[1158] Annal. XI. 25.

[59] Livy, II. 1. Festus, v. Qui patres, qui conscripti. Plutarch, Quaest. Rom. CLVIII.

[60] Festus, as before. Plutarch, Publicol. c 11.

[61] I. 49. II. 1. Caedibus *regis* in this passage is the old spelling for *regiis*, and has been left in the text from heedlessness.

this equalizing measure to Brutus, considered as a plebeian.

To frame a conception of the state of things, which led at that time to a new system of filling up the senate, it is in the first place requisite that we should entirely dismiss the illusions of the factitious chronology, and not let ourselves be disturbed at the too great length or shortness of the interval by which certain points seem to be separated.

Though the forming the three new equestrian centuries restored the possibility of calling up one out of every house to the senate of three hundred, still the houses thenceforward began anew to suffer the lot of all exclusive bodies. They died off, and the more rapidly, as marriages of disparagement must have been frequent, in which case the issue followed the baser blood[1162]: and thus the number of the senate would again fall off further and further from the full complement. For this there was a remedy, in case the deputies were summoned, and the vacancies filled up, no longer by houses, but by curies: and this step on the road from the point where a summons was claimed as a right, toward a perfectly free choice, was a great advance made by the elective power. It was brought about by that Ovinian tribunician law, of which we read in Festus[63]. Judging from our knowledge of the ancient phraseology, such a law must have been one past by the curies, on being proposed to them by a tribune

[1162] It may be questioned however whether the son of a plebeian woman so married was always admitted into the commonalty; and we may suspect that in early times this body also was much more exclusive, so that his birth would only place him among the erarians.

[63] Ovinia tribunicia sanctum est ut censores ex omni ordine optimum quemque curiatim in Senatum legerent: Festus, v. Praeteriti Senatores. *Ex omni ordine*, which Festus copied literally from Verrius, is perfectly correct: out of *the whole order* (without regard to any particular gens); not, out of *all the orders*. Indeed there were but *two* of them.

of the Celeres[1164]. Festus however did not understand it in this way, since he foists in the censors: and as he surely cannot have lookt upon it as a decree of the plebs, he must have conceived that it was a law brought forward by a military tribune. We do not indeed read anywhere of such a tribune as Ovinius: the name however may have been miswritten. Gradual as was the march of change in the constitutions of antiquity, this innovation must have preceded the reception of the *conscripti*: that is, it must either have been enacted by a law of the curies under the kings; or it is false that plebeians were admitted into the senate so early as under the first consuls.

Supposing however that they were so, the practice cannot have continued during those years when the patricians took back all they had conceded, as having been extorted from them. Even after the Licinian law the plebeians seem for a long time to be the smaller number in the senate: yet they were already sitting there before they attained to the quiet enjoyment of the right to be chosen military tribunes[65]. Accordingly, the senate having thus become a mixt assembly, a new system must have been adopted in filling up the interregal office, which was and continued to be confined to the patricians. The distinction between the patrician tribes could no longer be attended to on such occasions: there were no longer ten decuries of the greater houses: therefore either the patrician senators formed a committee to appoint the interrexes; or they were chosen by the curies[66].

[1164] Exactis regibus *lege tribunicia*; that is, by the lex curiata of Brutus: Pomponius, l. 2. D. de origine juris.

[65] Livy, v. 12, says of P. Licinius Calvus, whom he calls the first plebeian military tribune, vir nullis ante honoribus usus, vetus tamen senator.

[66] See p. 340. Livy, IV. 7, 43, VI. 41, XXII. 34. The expression, *patricii coibant ad prodendum interregem*, may be interpreted in either way. *Coire* contains a reference to the *comitium*.

Among the republican institutions, the origin of which was carried back to the first consulship, is the assignment of farms to the plebeians, in lots containing seven jugers of arable land. This measure is said to have been taken on the banishment of the kings [1167]. Nothing but the royal demesnes can have been large enough for such a distribution: hereby all who received an allotment were united against the restoration of the old order of things. The tradition that the field of Mars either formed a part of these demesnes, or was the property of the Tarquins, would be contradicted by the Horatian law [68], said to have conferred honours on the Vestal Tarratia in reward for her gift of it to the Roman people; if it were not incredible that this large plain can have belonged to a single proprietor, and far likelier that she merely gave a field in the neighbourhood [69].

The stories, which recorded the various changes in the commonwealth, went back to this period for the origin of the right of private citizens to speak in the great council of the curies; some of them tracing it up to Brutus, who conferred it on Sp. Lucretius [70]; the Valerian narratives to Publicola. There is the same disagreement between these accounts as to the emancipation of Vindicius, which however should in consistency be ascribed to Brutus. That act was the model, according to which, every day the court sat, a slave might be raised to the full enjoyment of freedom by the *vindicta:* which formality supplied the fabulous *Vindicius* with his name; although an Italian, on becoming a slave, lost his gentile rights with his freedom, and so could no longer bear a gentile name, such as this would have been, but was called *Lucipor* or

[1167] Pliny, XVIII. 4. Columella, De Re Rust. I. III. 10.

[68] Gellius, VI. 7.

[69] Perhaps the law mentioned only the *Campus Tiberinus;* and *sive Martius* may have been an explanation added by Gellius.

[70] Dionysius, V. 11

Marcipor. After the death of Brutus, Publicola granted a general permission for any one to be a candidate for the consulship[1171]. This was doing away the rule that none should be put to the vote but such as the senate proposed, and looks like a specious compensation to the plebeians, giving them a freer choice, instead of the share in the supreme office which had been withdrawn from them. Moreover he is called the author of the custom that the consul of the superior tribe should first have the fasces carried before him; and finally of the practice of pronouncing funeral orations on distinguisht citizens; himself paying that honour to Brutus.

The right understanding of the word *populus* dissipates the fancy that *Poplicola*, the surname of Valerius, was the designation of a demagogue like Pericles, who courted the favour of the multitude. The assembly, before which P. Valerius ordered his lictors to lower their bundles of rods disarmed of their axes, in acknowledgement that all authority emanated from it, was a *concilium populi*[72], the great council of the patricians. Besides the consul had no business to transact with an assembly of plebeians: still less was it the source of his power: nor can the words mean that of the centuries; because this was a *comitiatus*, not a *concilium*; and did not meet in the city, but in the field of Mars, from whence the Velia is not in sight. To the curies then did he propose that law, by which whoever aimed at usurping kingly power,

[1171] Plutarch, Publicol. c. 11. ὑπατείαν ἔδωκε μετιέναι καὶ παραγγέλλειν τοῖς βουλομένοις.

[72] Vocato ad *concilium populo*, submissis fascibus in concionem escendit: — confessionem factam, *populi* quam consulis majestatem vimque majorem esse: Livy, II. 7. Our historian indeed was somewhat in the dark about the meaning of the old constitutional terms, and therefore mixes up the *multitudo* with his narrative: for it certainly never entered his head, that this expression might be correctly applied to the patricians of the early ages. To the annalist, from whom he copied the decisive words, the matter must have been perfectly clear. See note 987.

or, according to other reports, exercised authority without being invested with it by the people, was devoted together with his substance to the gods[1173]. This was a declaration of outlawry, and gave the consul the right of putting the criminal to death without being amenable for doing so, and every individual that of killing him. The ceremony of devoting a guilty head was without doubt a relic from the times of human sacrifices: for criminals, if possible, were everywhere selected for the victims. In this manner patrons or clients, who violated their reciprocal duties, and a husband who sold his wife after she had placed herself in the relation of his child, were devoted to Dis; he who put a magistrate of the commonalty in peril, to Jupiter; he who thievishly cut, or fed his cattle on, a field of corn, to Ceres[74].

The purpose of this law was to ensure tyrannicide; its effect, to give impunity to murder. A better foundation for Publicola's fame is afforded by another, which is said to have been the first enacted by the centuries[75]. The curies, in granting the *imperium*, conferred the power of punishing disobedience to the supreme authority, capitally, corporally, by imprisonment, and by mulcts; even in the members of their own body: but these had the right of appealing from the sentence to their great council[76]. This same right of appealing to the commonalty, of trial by their peers, was given by the Valerian law to

[1173] De sacrando cum bonis capite ejus qui regni occupandi consilia inisset: Livy, II. 8. Here the genuine formulary is discernible. Dionysius gives an explanatory paraphrase of it: V. 19. Plutarch divides it into two laws: Publicol. c. 11, 12.

[74] Dionysius, II. 10. Plutarch, Romul. c. 22. See p. 232, note 635. Livy, III. 55. Pliny, H. N. XVIII. 3.

[75] Cicero, de Re p. II. 31. Only it must not be forgotten that the curies had at all events to give their assent.

[76] It is of the patricians that we must understand, *provocationem etiam a regibus fuisse:* Cicero, de Re p. II. 31. See p. 344, note 869.

the plebeians[1177]. I say, to the commonalty: for the appeal lay to the plebeian tribes[78], not to the centuries. Hence the maintenance of this right was placed immediately under the guardianship of the officers who presided over the tribes.

This right of appeal did not extend beyond a mile from the city[79]. Here began the unlimited *imperium*[80], to which the patricians were no less subject than every Quirite. On the strength of this L. Papirius had the right of exacting the blood of Q. Fabius *.

The Valerian law was not enforced by anything more than a declaration, that whoever violated it acted wrongly: and Livy is toucht by this, as a proof of the virtue of the olden times. Yet there is no point on which they are less deserving of such admiration. If no determinate punishment was affixt, it was because it is indispensable that the right of self-preservation, residing in the supreme power, should be undisputed, and not nullified by any unalterable limitations. Thus the transgressor might be condemned by the people to a heavy punishment proportionate to his guilt: but at the same time the extreme of violence done to the letter of the law might be pronounced innocent. Only it was requisite that, to arraign the criminal, there should be certain inviolable

[1177] Livy, III. 55: Cum *plebem*, hinc provocatione, hinc tribunicio auxilio, satis firmassent (the consuls, L. Valerius and M. Horatius). 56: Fundata *plebis* libertate. X. 9: M. Valerius consul de provocatione legem tulit. Tertio tum lata est, semper a familia eadem.—plus paucorum opes quam libertas *plebis* poterant.

[78] When Volero Publilius was opposing an act of outrageous injustice, the consuls ordered the lictors to seize him, to strip him, and to strike: but he τούς τε δημάρχους ἐπεκαλεῖτο καὶ εἴτι ἀδικεῖ κρίσιν ἐπὶ τῶν δημοτικῶν ὑπέχειν ἠξίου. Dionysius, IX. 39.

[79] Neque enim provocationem esse longius ab urbe mille passuum: Livy, III. 20.

[80] Here accordingly began the *judicia quae imperio continentur*, the appointment of which courts was conferred by the *imperium*: Gaius, IV. 105.

* Livy, VIII. 32.

representatives of the commonalty; who might also interpose and give protection in the moment of need.

These laws are said to have been past in the first year after the banishment of the Tarquins. In the same year the earliest treaty between Rome and Carthage was concluded; which Polybius translated from the original brazen tables then existing in the Capitol in the archive of the ediles, the language being so obsolete that in some parts even the more learned among the Romans could only guess at the meaning [1181]. Livy perhaps made no inquiries at all for what was authentic and historical in these ancient times: perhaps Macer, — among the annalists, out of whose labours Livy constructed his work, the one who seems to have spent the greatest care upon original documents, — had never read the books of Polybius; and it is not unlikely that the tables had perisht in the flames of the Capitol, before Macer began his researches. Thus much may be considered as certain, that Livy, whose practice throughout was only to collect the materials of his work during its progress, did not make use of Polybius, whose value was by no means generally recognized in those days [82], till he reacht the Punic wars. When he wrote his second book, he probably had never heard of this treaty. Though, had it been otherwise, he too would not have been beyond the reach of a motive, which was strong enough to induce many Romans to suppress their knowledge of that document: inasmuch as, being utterly irreconcilable with that poetical tale which had been transformed into a history, it divulged the secret of the early greatness of Rome, and of her fall after the banishment of the Tarquins; a secret which her children in later times were foolishly anxious to keep

[1181] III. 22, 26.

[82] This gives us a better explanation of Livy's words, *haudquaquam spernendus auctor* (XXX. 45), than to take them as a rhetorical figure. Cicero judged differently from the fine writers of the Augustan age.

concealed, as if it had been an indelible blot on the honour of their ancestors.

At the time when the republic concluded this treaty, she still possest the whole inheritance of the monarchy. Ardea, Antium, Aricia[1183], Circeii, and Terracina, are enumerated as subject cities; and Rome stipulates for them as well as for herself. The whole coast is here called Latin, the country Latium: and its range is even more extensive than from Ostia to Terracina. Perhaps it stretcht as far as Cuma, for Campania did not yet exist; perhaps down to the borders of Italia[84]. Even in these regions, which were still free, the Carthaginians bind themselves neither to make conquests, nor to build forts. The Romans and their confederates are inhibited from sailing into any of the harbours to the south of the Beautiful or Hermæan Cape, which forms the eastern boundary of the Gulf of Carthage: and this no doubt was not merely with the view, as Polybius conceives, of excluding them from the rich country on the lesser Syrtis. It was indeed more lucrative to make Carthage the staple for the produce of those regions, and thus to secure the commercial profit on its exchange. But it was of still greater importance, by this strict exclusion, to cut off the possibility of any venturous Tyrrhenian mariner's attempting to open an immediate trade with Egypt. This restriction must have been imposed in the same way upon the Etruscans, whose commercial treaties with Carthage were mentioned above on the authority of Aristotle*; and so must the following regulations. In Sicily,—where in those times Carthage was not yet mistress of any province, but

[1183] The manuscripts have Ἀρεντινῶν, which is just as likely to be a mistake for Ἀρικηνῶν, as for Λαυρεντινῶν. Arician merchant-ships, in considerable numbers, are mentioned by Dionysius, VII. 6. Laurentum was a small place: rather would Lavinium have been named: from the order followed in the list either of them would have come before Ardea.

[84] See p. 90.

* Note 402, p. 129.

where, on the northern coast of the Sicanians, Motye, Soloeis, and Panormus, acknowledged her protecting authority; free Phenician towns, like Utica, Leptis, and Gades, and the remains of a multitude of settlements, which, before the Greeks entered the island, the Tyrians had possest on every harbour and islet along the coast all round it[1105];—the Carthaginians obtained the same privileges for the Roman merchants as for their own. At Carthage itself, on the Libyan coast to the west of the Hermæan Cape, and in Sardinia, the Romans might land and traffick. But the sale of their cargoes was to be by public auction: and in that case the state was pledge to the forein merchant for his payment. This obligation was without doubt reciprocal, and was a twofold advantage to a stranger. For without it he would either have been in the hands of a few monopolizing houses; or have run the risk, if he sold his goods for a higher price to an insecure purchaser, of losing them entirely: besides public auction insured him against the exactions of the customhouse. For all duties were levied according to percentages of the value, and not by any fixt table: their produce moreover was farmed out; and so there was still more danger of an exorbitant valuation.

Down to the latest times all Roman public documents were attested by the mention of the consuls under whom they were drawn up: in a treaty more especially such a statement cannot have been omitted. Thus it might be read in the treaty with the Latins, that it was concluded by Sp. Cassius[86]: and as Polybius had no particular reason for introducing the names of the consuls of his own accord, it certainly cannot be questioned that the tables contained those of Brutus and Horatius as colleagues. This however overthrows the whole story, that, after the death of Brutus, P. Valerius remained sole consul, and at that time enacted his laws; as well as the

[1105] Thucydides, VI. 2. [86] Livy, II. 33.

other, that Sp. Lucretius was the successor of Brutus. Probably there were Fasti in which the four men were designated as the first rulers of the republic: and thus the name of Lucretius may have got into the list of consuls. Or this account might be invented in the following way. There were two statements in different Fasti as to the consuls of the year 247; the one, which Dionysius adopts, makes them Valerius and Horatius; the other, Valerius and Sp. Lucretius; and this was followed by Livy [1187]. Both however allowed themselves to be misled by an annalist, who had devised a way of reconciling the difference. What, thought he, if Lucretius was appointed after the death of Brutus! surely Lucretia's father had a claim before all others to this honour. But he must have been very old; and if he died while still in office, Horatius might then succeed him [88]. So that here again Dionysius is consistent after his own way; having a second consulship of Horatius in 247, in which he places the dedication of the Capitol. Livy heedlessly adopted the factitious statement, and yet has Lucretius as consul in the third year of the republic.

There is another difference between the Fasti of the two historians for the year 248, where Dionysius names Sp. Larcius and T. Herminius, of whose consulship Livy says nothing. Both of them were celebrated in the heroic lays, as the companions of M. Cocles on the bridge.

[1187] The editions read *P. Lucretius* (II. 15): but the Florentine manuscript has the double name *Spurius Publius*, which has also past into other manuscripts belonging to the same family. *Spirius* is more commonly denoted by S. P. than by SP. To explain this, *Spurius* was written over it; and was afterward referred to the S alone.

[88] Apud quosdam veteres auctores non invenio Lucretium consulem, says Livy himself: II. 8. Servius, on Æn. VI. 819, says that, after the expulsion of Tarquinius, duo creati sunt consules, Brutus et Tricipitinus, pater Lucretiae, qui et Tarquinius dicebatur: ob quod solum est urbe depulsus: et in ejus locum subrogatus est Valerius Publicola; quo mortuo item alter est factus: et alter similiter.

Hence the annalists bring them into the action in the war with Porsenna, for the sake of peopling the void of the old narratives with names. And since Dionysius himself says, nothing was recorded of their consulship [1189], Livy assuredly here again gives us the old account with the least adulteration. In truth this pair is stuck in to fill up the gap of a year, as are several others; perhaps also to break the series of the Valerian consulships. If they are erazed, then during the first five years of the Fasti one of the consuls is always a Valerius; once Marcus, the other times Publicola. That there was some other cause for this than personal admiration, may be inferred from the extraordinary honours which that house inherited from these primitive times. Every one of them has a story connected with it: in this manner they stood in the books of the ceremonial law. I will confine myself to the facts.

The Valerii had a house at the bottom of the Velia, the only one in Rome of which the doors opened back into the street; this privilege having been accorded to them ever since the time when Publicola, or Marcus surnamed Maximus, received a grant of ground there to build on [90]. They enjoyed the προεδρία, a Greek honour, of which there was no other example among the Romans: in the circus, the Roman theatre, a conspicuous place belonged to them, where a curule throne was erected [91]. They were allowed to bury their dead within the walls [92]: and when they too had exchanged the older custom of interment for that of burning the corpse, although they did not light the funeral-pile on their

[1189] v. 36.

[90] Dionysius, v. 39. Plutarch, Publicol. c. 20. Compare the Declamation de Harusp. Respons. 8. [16].

[91] Livy, II. 31: Locus in circo ipsi posterisque ad spectaculum datus: sella in eo loco curulis posita.

[92] Cicero, de Legib. II. 23.

burial-ground, the bier was set down there, as a symbolical way of preserving the right [1193].

These distinctions, if meant as rewards for services, would also have been bestowed on others, who performed much greater actions: but neither Camillus nor the Decii bequeathed any such honours to their posterity. They cease however to surprise us, if there be good ground for the conjecture, that, among the gradual changes of the constitution [94], the Valerian house for a time possest the right that one of its members should exercise the kingly power for the Tities. As soon as we take this point of view, the measures for tempering the consular power begin to look as if they had a historical foundation. Nay even the story that Valerius pulled down his house at the top of the Velia, and received a spot at the foot of it, becomes intelligible enough, if that act be regarded as a pledge of his intention to exercise his royal authority as beseemed a citizen [95].

That the Tities are the tribe they would have represented, follows from the acknowledged Sabine descent of their house. Their eponym, Volesus, is mentioned as a Sabine, a companion of Tatius: and the Volesus who is made the father of Publicola and Maximus, nay also of a Manius and Lucius [96], is no other than this very person; with whom the great men of the ancient tradition were connected, in order that their father's name might not be wanting in the Fasti. Dion Cassius alone, with his usual circumspection, merely says that Marcus Valerius

[1193] Plutarch, Publicol. c. 23.

[94] From the *βασιλεία* through a *δυναστεία* to an aristocracy.

[95] Dionysius, II. 46: Plutarch, Numa, c. 5: Publicol. c. 1. Another story, how a Valesius settled at Rome, is found in Valerius Maximus, II. 4, 5, and Zosimus, II. 2, 3. He too is a Sabine, and likewise the progenitor of the Valerian house; for which reason Publicola sacrifices at his altar at Terentum.

[96] See the pedigree in Drakenborch's note on Livy, III. 25.

belonged to the same gens as Publicola[1197]. But how could the author of the Capitoline Fasti be satisfied, though his readers overlookt his inconsistencies, when following the annals in vogue he made the sons of this fabulous progenitor fill curule offices from 245 to 260, and then placed his grandson as military tribune under the year 338?

The fallacious assumption of a historical semblance spreads yet further. The poem made Marcus Valerius Maximus fall at the lake Regillus: and the whole tale of that battle being scrupulously retained as historical, a Manius was invented, and that too in late times, to whom whatever was recorded of Marcus, — the only one known in the days of Cicero and Livy[98], — in the Annals for the years after the battle might be transferred; even his surname of Maximus. The forger, supposing himself bound to reconcile the several stories, which one and all were to be received without a question, may have been perfectly honest, and have satisfied his conscience about the man whom he had made. How often have Manius and Marcus been confounded[99]! But honest as he may have been, this itself is a fresh reason for rejoicing at our freedom from his prejudices, and for not allowing ourselves to be clogged by his perversity and narrow-mindedness.

How long did the Valerii continue to hold the consulship for their tribe? when did the privilege come to an end? these are questions on which the Fasti can give us no information. The untenable character of early Roman history does not spring from the nature of the

[1197] Ἐκ τῆς τοῦ Ποπλικόλα συγγενείας γενόμενος: Zonaras, VII. 14. A page before this the slovenly Byzantine, in transcribing from Plutarch's Publicola, calls Marcus his brother.

[98] That is to say, in the manuscripts.

[99] The abbreviation for Manius in the square character is the Etruscan M turned over to the right.

constitution, so that certainty should begin with the consular government, because there is a register of the consuls for every year: its contents even on this side of the Revolution are poetry and fiction. The Fasti, which are supposed to substantiate it, were framed with a view of filling up the given space of time. That the war with Porsenna should be placed by one set in the second, by others in the third year of the Commonwealth, is far from an immaterial difference, with regard to the greatest event of the period. But it is of much higher importance to observe that this war probably belongs to a considerably later time, and that in the whole account of it there is nothing that can stand the test of the slightest criticism, as a historical fact.

THE WAR WITH PORSENNA.

THE narrative, which since the loss of the ancient Annals has chanced to acquire the character of a traditional history, relates that, after the battle by the forest of Arsia, the Tarquins, to obtain more powerful succour, repaired to the court of Lar Porsenna[1500], king of Clusium; and that he, when his intercession had been rejected, led his army against Rome in their behalf. But this cannot possibly have gained universal currency. Cicero, though he was very well acquainted with the celebrated legend of Porsenna and Scævola[1], says, neither the Veientines nor the Latins were able to replace Tarquinius on the Roman throne[2]. So that he either held the Veientine war in which Brutus falls, to be the same with Porsenna's; or he discriminated between the latter, as a war of conquest, and the attempts of the neighbouring states to place the government of Rome in the hands of the man who had thrown himself on their protection, and who was to pay them dear for it. And such no doubt was the older and genuine representation.

In this narrative the Etruscans under Porsenna march singly against Rome: and so the story runs in Livy. It is a palpable forgery in Dionysius to make Octavius

[1500] The name is spelt both *Porsena* and *Porsenna*: it is a decided blunder however in Martial to shorten the penultimate.

[1] Pro Sest. 21. (48). Paradox. I. 2.

[2] Tusc. Quaest. III. 12 (27): Tarquinius cum restitui in regnum *nec Veientium nec Latinorum* armis potuisset.

Mamilius and the Latins take part with him: the son-in-law of Tarquinius could not possibly remain inactive. In the poetical account the Etruscan army appears at once and with an overwhelming force before the Janiculum: and the Romans in the fort upon it are overpowered, and fly to the river. As the enemy was pursuing them, he was met by Horatius Cocles, to whom the charge of guarding the bridge had been entrusted, and by his comrades, Sp. Larcius and T. Herminius. Three men saved Rome, as three had won for her the dominion over Alba: and in this case no doubt there was one from each tribe[1203]. While they kept off the assailing host, the crowd behind them tore down the bridge by their order: immovably they bore up against the thousands of the enemy. M. Horatius had his companions also go back, and withstood the shock of the foe alone, like Ajax, until the crash of the falling timbers and the shout of the workmen announced that the work was accomplisht. Then he prayed to father Tiberinus, that he would receive him and his arms into his sacred stream, and would save him; and he pluuged into the waters, and swam across to the city, amid the arrows of the enemy[4]. As a mark of gratitude every inhabitant, when the famine was raging, brought him all the provisions he could stint himself of. Afterward the republic

[1203] The Horatii were one of the minor houses: ἐκ τῶν νεωτέρων. Dionysius, v. 23. The tradition too was uncertain whether they or the Curiatii fought for Alba: Livy, i. 24: above, p. 349. Hence it was deemed an act of presumption toward his collegue of the higher tribe, for the consul Horatius to dedicate the Capitol.

[4] One cannot but be annoyed at the stupidity which thought Horatius had purchast his glory too cheaply if he came off without a wound, and so made a javelin pierce him through the thigh and lame him for life: Dionysius, i. 24. Livy keeps clear of such wretched absurdities. It is another thing, when Polybius, whether after different accounts, or to get rid of everything fabulous on so very momentous an occasion, writes that Cocles perisht in the river: vi. 53.

raised a statue to him, and gave him as much land as he could plough round in a day.

The statue stood in the Comitium[1205]. Once on a time it was struck by lightning, and by the advice of perfidious aruspexes was removed to another spot, where the sun never shone upon it. Their fraud however was detected: the statue was placed on the Vulcanal above the Comitium; and the Etruscans were put to death. This brought good fortune to the republic. In those days the boys sang in the streets:

Who ill aredeth shall his own areding rue:

and the saying continued from that time forth in the mouth of the people[6].

That the meaning of the expression *circumarare* in the grant to Cocles should be, that he was to have as much land as was inclosed within a furrow, which at sunset again reacht the point it had started from at sunrise, — as Sultan Mohammed endows the hero of the Turkish ballads with as much of the plain of Macedonia as he can ride round in a day,—would be inconceivable, if we had any right to look here for historical tradition. For such a line would nearly comprehend a square league: and more than two hundred years after, when Italy had been subdued, but fifty jugers were bestowed on the conqueror of Pyrrhus; which he himself reproved as an act of extravagant prodigality*. The republic had neither means nor will to make such large grants. But the poet might overlook both these objections. The

[1205] What Livy calls the Comitium, Dionysius calls ἐν τῷ κρατίστῳ τῆς ἀγορᾶς τόπῳ: which should be carefully noticed with a view to other topographical statements.

[6] Gellius, IV. 5: Malum consilium consultori pessimum est.

* Pliny, XVIII. 4. Valerius Maximus, IV. 3. 5. Columella, I. 3: Curius Dentatus, prospero ductu parta victoria, ob eximiam virtutem deferente populo praemii nomine quinquaginta soli jugera, supra consularem triumphalemque fortunam putavit esse: repudiatoque publico munere, plebeia mensura (septenum jugerum) contentus est.

narrow limits within which the old Roman manners and laws aimed to confine landed property, salutary as they were to the state, did not on that account act the more as a check to the desires of individuals: wealth has in all ages been deemed the pleasantest meed of virtue: and as the poets in Epirus and on Olympus sing of the golden trappings on the horses of the klepts, and of the golden raiment of the damsels; so the *vates* likewise fabled of such splendid rewards for Cocles and Scævola, as Ennius would never have dreamt of as attainable by Scipio Africanus.

Just as little did they trouble themselves about the difficulty, how Rome could be starved by an enemy who was only encampt on the Janiculum, even supposing him to have commanded the river. To account for this, the annalists devised certain predatory expeditions on the left bank: and then, to supply the dearth of action and do honour to their ancestors, they further invented a stratagem of the consuls, by which the Etruscans are drawn into a snare, and suffer considerable loss.

For the poem it was enough that Rome was reduced to desperate straits by famine. Hereupon a young man, Caius, undertook, with the approbation of the senate, to kill the invading king. He was acquainted with the Tuscan language, and, making his way up to the pretorium, slew one of the king's attendants, instead of Porsenna. Being overpowered and disarmed, in scorn of the rack which awaited him, he thrust his right hand into the flame of the fire on the altar. The king bad him depart in peace: and Scævola, as from that day forth he was called, because he now had only his left hand, warned him as a token of gratitude, if he prized his life, to make peace; for that three hundred[1207] young patricians had conspired to rid their country of him; and he himself had only been chosen by lot to be the first.

[1207] Here again we have this number, which is for ever recurring as far as the old poems extend.

He was rewarded by the senate no less splendidly than Cocles[1208]: but another tradition modestly named the Prata Mucia in the Trastevere, a field, it would seem, of a few jugers, as the grant bestowed on him. Now in reply to the question how he came not to be remunerated by consulships, I will myself suggest the solution, that at Rome too the ceremonial law required a priest to be without blemish in any of his limbs; and, because the higher magistrates continued to exercise certain priestly functions, the same was exacted for them[9]. And if Scævola's name was C. Mucius, he must have been a plebeian; like the family of that name, which appears in the Fasti, though not till three hundred years after, and whose plebeian character is most decided; like a P. Mucius without a surname, who was tribune as early as in the fourth century: so that the consulate would have lain out of his reach, even if Porsenna had fallen by his hand. But the claim to him set up by the Mucii is doubtless among the most glaring instances of the family vanity censured by Cicero and Livy. The peculiar Roman name for persons, or, as it was afterward termed, the *praenomen*, was of old no less predominant in general use, than christian names are nowadays in Italy: even in Polybius we still find Publius and Titus usually put for Scipio and Flamininus[10]: and as the practice from that time forward decreases, it must have been the more prevalent the further we go

[1208] Dionysius, v. 35.

[9] M. Sergius, who was excluded from offering up sacrifices by his collegues, on the ground of his being a cripple (Pliny, H. N. VII. 29), had indeed been pretor: but the inflicting such a mortification on that hero infers that three centuries earlier he would not have been eligible. Dionysius too says, it was because Cocles was crippled, that he was not rewarded with the consulship: *διὰ τὴν πήρωσιν τῆς βάσεως*: v. 25.

[10] Gaudent prænomine molles Auriculae: simple times love to speak familiarly. Under the emperors this forename was supplanted by the surname, first neglected, then entirely forgotten.

back. Thus the hero of the old lays would probably be merely called Caius. That he was originally regarded as a patrician, as Dionysius terms him,—which indeed, if he were a Mucius, could only be excusable from the ignorance of a foreiner,—is the more probable on account of the three hundred young men, of whom he speaks as his associates in the enterprise, the flower of the Roman youth; that is to say, one from every house: he himself is called noble by Livy. The surname of the Mucii according to Varro had a totally different sense, and signified an amulet [1211]: it was not peculiar to them: Scæva too was a surname in several families: but as *scaevus* means *left*, the hero of the story might also be called Scævula, long before the Mucii were of any note.

As the price of peace the conqueror enjoined that the Veientines should have their seven *pagi* restored to them [12]: and the fort on the Janiculum was only evacuated on the delivery of hostages. Thus far did the feelings of a more sensitive age, wounded by the disgrace of their ancestors, soften down the cruel hardness of the truth. Tacitus alone pronounces the terrible word undisguisedly: the city was forced to surrender to the conqueror [13]; that is to say, submitted to him as her lord: in such a way that the republic made over the soverainty to him, as did every individual a discretionary power over his property, freedom, and life, without any restriction. A vanquisht state after this stood in a relation to a ruling one, like that of an individual who had forfeited his independence,

[1211] De L. L. VI. 5. p. 99: Quod puerulis res turpicula in collo suspenditur,—scaevola appellata: thus the Florentine MS.

[12] De agro Veientibus restituendo *impetratum*, says Livy: one cannot read such arrogant language without indignation.

[13] Sedem Jovis Opt. Max. quam non Porsenna *dedita urbe*, neque Galli capta, temerare potuissent: Hist. III. 72. Taken strictly, the meaning of Tacitus would be, that Porsenna had been unable to violate the temple, and consequently that he was not master of the Capitol: it is likely however that in using *potuissent* he referred only to the Gauls.

by an adoption according to the process of arrogation, or by having pledged his person for debt[1214]. He who ceast to be his own master, only retained what he had hitherto possest as property, under the form of a *peculium*. The case was the same with a state that had given up its *res publica* to a lord, so that he might take everything from it at will; and not only the public property, but that of every individual. This disability did not terminate, until the capacity of personal rights had been reestablisht by a process answering to that of emancipation. It was a partial exercise of this plenary power, when a town thus reduced to dependence was amerced of a certain portion of its territory: and this was very frequently a third. Afterward, unless the remainder was expressly given back free, a tax on the produce of all the cultivated land was to be paid; which the Romans usually assest at a tenth. I have before called the reader's attention to the fact that a third of the plebeian districts which Rome possest under Servius Tullius was lost; and I observed that this loss must have been incurred in the war which we call the war of Porsenna*. The mention of the seven *pagi* in the Annals does not prove that nothing more was taken away. But a tradition had also been preserved that the Romans at one time paid a tenth to the Etruscans[15]: and this too can only be referred to the present period: it was raised on the districts left to them, and on the public domain.

Until the town, which had surrendered its independence to another, recovered it, no treaty with it could have

[1214] In the formulary for surrendering a city in Livy, I. 38, the king asks the envoys: Estne populus Collatinus in sua potestate?—Est.—Deditisne vos, populumque Collatinum, urbem, agros, aquam, terminos, delubra, utensilia, divina humanaque omnia, in meam populique Romani ditionem?—Dedimus.—At ego recipio.

* Above, p. 419, n. 976.

[15] From which Hercules delivered them; that is to say, their own prowess: Plutarch, Quaest. Rom. XVIII.

place; just as an individual could not enter into any contract with those who were subject to his paternal authority, or with his slaves and bondmen. Pliny therefore either uses a very inappropriate expression; or the laws imposed by Porsenna on the Romans belong to the time when at least the form of independence, though defenseless indeed and null, was given back to them. This document, which from his manner of citing it would seem to have been still in existence, shews how low they had fallen. They were expressly prohibited from employing iron for any other purpose than agriculture [1216]. A people on whom a command of this kind was laid, must have been compelled beforehand to deliver up all their arms [17].

A confession that Rome did homage to Porsenna as its soverain lord, is involved in the story that the senate sent him an ivory throne and the other badges of royalty [18]: for in this very manner are the Etruscan cities represented to have acknowledged L. Tarquinius Priscus as their prince.

What Livy says concerning the evacuating the citadel on the Janiculum, seems connected with the restoration

[1216] Pliny, H. N. xxxiv. 39: In *foedere* quod expulsis regibus populo Romano dedit Porsenna, *nominatim comprehensum invenimus*, ne ferro nisi in agri culturam uterentur. This, and the equally important passage of Tacitus (note 1213), were first noticed by Beaufort: and they are perfectly sufficient for his purpose, which was merely negative. The critical examination of this war is the most successful part of that remarkable little work.

[17] *Arma ademta, obsidesque imperati*, would be the way of telling the story, if the historian were speaking of a town which had submitted in the same manner to the Romans. Dionysius does not fall far short of this confession in a harangue put into the mouth of M. Valerius: διδόντες καὶ ἀγορὰν, καὶ ὅπλα, καὶ τἆλλα ὅσων ἐδέοντο Τυῤῥήνοι παρασχεῖν ἐπὶ τῇ καταλύσει τοῦ πολέμου. v. 65. This is not indeed παραδιδόντες τὰ ὅπλα, and sounds rather as if all was done in compliance with a military requisition: but that is the very point where the disguise lies.

[18] Dionysius, v. 35. See above, p. 359.

of independence to the city after it had been disarmed. The twenty patrician hostages, boys and damsels, refer, as is clear from their number, to the curies of the first two tribes; whose precedence extended, as was reasonable, to whatever sacrifices were to be made. With regard to these hostages there is again a twofold story: the more celebrated one, that Clœlia effected her escape out of Etruria at the head of the maidens, and swam across the Tiber; that she was sent back, was restored to liberty by Porsenna, and allowed to deliver the boys out of their captivity; and that she was rewarded by him with a horse, trappings, and arms [1219], and by the republic with a statue of a damsel on horseback in the Via Sacra:— the more obscure one, that Tarquinius fell upon the hostages as they were conducted into the Etruscan camp; and, with the exception of Valeria who fled back to the city, massacred them all [20].

Porsenna meanwhile had returned to Clusium. He had sent his son Aruns with a part of his army against Aricia, in those days the principal city of Latium [21]. The Aricines received succour both from other cities and from Cuma: and the Cumans, led by the insulted hero of the Tyrrhenian war, decided the defeat of the Etruscans, whose general fell. The fugitives met with hospitable entertainment at Rome, and their wounds were taken

[1219] Dionysius, v. 34. and the fragment from the fourth book of Dion Cassius, in Bekker's Anecd. 1. p. 133. 8. Καὶ τῇ γε κόρῃ καὶ ὅπλα—καὶ ἵππον ἐδωρήσαντο. These words evidently refer to the king: in Livy these presents also are bestowed on Clœlia by the Romans.

[20] Pliny, xxxiv. 13. The two stories are clumsily mixt up together by Dionysius, v. 33, and by Plutarch, Publicol. c. 19.

[21] For this reason it had the temple of Diana. The opposition which Tarquinius sustained from Turnus Herdonius contains a reference to the pretensions and the circumstances of this city: so does the account in Dionysius (v. 61) of the Aricines exciting Latium to war against Rome.

care of. Many of them were loth to leave the city again, and built the Vicus Tuscus. Porsenna, not to be outdone in magnanimity, gave back the hostages and the seven *pagi* [1222].

The Roman annalists make the Etruscan hero display his liberality at the expense of his dependents or allies; for these *pagi* had been restored to Veii. Nor, if this had occurred to them, would they have been slow in devising some act of perfidy or other, by which the Veientines should have exasperated the noble spirit of their protector to punish them; just as a like inducement was contrived, to make him abandon the Tarquins. But even in the time of the decemvirs so far were the Romans from having regained their Etruscan territory, that the Tiber formed their boundary; with the insignificant exception of the Janiculum and the Ager Vaticanus.

Were the Romans incapable of feeling that chains which we burst by our own valour are an ornament? The defeat of the Etruscans before Aricia is unquestionably historical. The victory of the Cumans, which led Aristodemus to the soverainty, was related in Greek annals. Had not those of the Romans through false shame concealed their previous humiliation, they might have told with triumph how their ancestors had courageously seized that moment, although deprived of arms and periling the objects of their dearest affections, to break the yoke of the tyrant. At such a time the flight of the hostages might do some good; and the heroine who led them might deserve to be rewarded.

This insurrection must have placed sundry things, belonging to the forein prince within the city, at the disposal

[1222] No doubt the traditions were still richer in individual instances of a chivalrous intercourse during the war with Porsenna. The following is assuredly an ancient one. A truce had been concluded; and it happened that some games were celebrated at the same time: hereupon the Tuscan generals came into the city, won the crown, and received it. Servius, on Æn. XI. 134.

of the emancipated Romans; and thus no doubt gave rise to the symbolical custom at auctions of selling the goods of king Porsenna. Livy, who found it still in existence, felt that it did not sort well with the story about the friendship that followed the war: only he ought likewise to have rejected the shallow explanation of it.

That Porsenna was a hero in the Etruscan legends, and that they must have placed him in very remote ages beyond the reach of history, seems implied in the fabulous account of his monument; a building totally inconceivable, except as the work of magic, and which must have vanisht like Aladdin's palace *. Possibly the Roman tradition may without any ground have connected him with that Etruscan war which cast Rome down from her highth. Thus much we may assert, that of this war down to its end not a single incident can pass for historical.

It is a peculiarity of the Roman annals, owing to the barren invention of their authors, to repeat the same incidents on different occasions, and that too more than once. Thus the story of Porsenna's war reflects the image of that with Veii in the year 277, which after the disaster on the Cremera brought Rome to the brink of destruction. In this again the Veientines make themselves masters of the Janiculum; and in a more intelligible manner, after a victory in the field. Here again the city is saved by a Horatius; the consul who arrives with his army at the critical moment by forced marches from the land of the Volscians. The victors, encamping on the Janiculum, send out foraging parties across the river and waste the country; until their depredations are checkt by some skirmishes, which again take place by the temple of Hope and at the Colline gate: yet a severe famine arises within the city. At the same time, though all this has only been transplanted into the war of Porsenna to fill up the

* See note 405.

vacant space, the latter is not to be regarded as a mere shadow and echo of the other, as is the case with one of the Auruncian wars. It was that Etruscan war by which Rome, though it lifted itself up again and regained its independence, lost ten regions; and it must be placed before the year 259, when the tribes were raised to the number of one and twenty. I think however it was at no great distance from that period.

I hold the returns of the census, incredible as they sound in the times anterior to the conquest by the Gauls, to be as genuine as the Romans considered them: and till I have justified this confidence in the proper place *, they will at all events be admitted to represent a view that was taken of the growth or decline of the Roman state. Had an annalist invented them, he would have framed them to fit his stories. If then they are utterly irreconcilable with the Annals, they must have been handed down from a time considerably earlier, and so are important. Now Dionysius gives the returns of the years 246, 256, and 261, by the numbers 130000, 150700, and 110000. In our annals the war with Porsenna falls between the first and second date: between 256 and 261 there is neither a pestilence nor a loss of territory; but on the contrary the victory over the Latins. Nothing can be more incongruous. If however we do not let ourselves be dazzled by the dates which the Annals hold up to our view, we may still make an attempt to explain this. I will suggest it at least as a hypothesis, that the former increase was owing to the extension of the isopolite franchise: the decrease of 40700 on the other hand may have arisen mainly from the separation of tribes enjoying isopolity, but also no doubt from the loss of the regions wrested from Rome. It is true, all the landholders in those regions assuredly did not cleave to the soil; and even if they had, their number would

* See Vol. II. note 141, and the following pages

have been far from amounting to so many thousands. Still that of the Romans was very much diminisht by the loss; and our finding only names in those years without any events in Livy warrants the conjecture that there were great misfortunes to be concealed. The servitude of Latium under Mezentius is nothing but the recollection of this age thrown back into an earlier one: and perhaps Virgil's antiquarian learning may actually have discovered traditions representing the same Etruscan, whose yoke Latium afterward cast off again, as the taker of Agylla*: which in the time of Cyrus, when it sent to consult the oracle of Delphi, was still perhaps a purely Tyrrhenian city.

It is true, if the date of the Etruscan war against Cuma were historically certain, internal reasons would forbid our placing the expedition of Aristodemus to Aricia so late as the end of the 70th Olympiad. For it is incredible that the oligarchs, whose motive for seeking his destruction was their animosity conceived during that war, should have delayed doing so till twenty years after it [1223]. The feuds in the states of antiquity did not creep on thus smoulderingly. But it was solely from his own calculations that Dionysius determined this period: for he derived the date of the Cuman war from Greek writers [24], that of the Aricine from Romans. To my mind chronological statements concerning a war in which rivers run backward, are of just as much value as those

* Æn. VIII. 479. ff. See p. 35.

[1223] Dionysius, VII. 5.

[24] Perhaps by Timæus; but more probably by the chronicles of Naples, where the fugitives from Cuma were taken in: and that they brought legendary tales along with them is no less certain than it is unlikely that they preserved any authentic documents. When Herodotus (I. 29) makes a mistake of ten Olympiads with regard to the legislation of Solon, what credit is due to a date of this kind? The mention of the Campanians is a mark that the source was recent.

in the fable of the Pelopids, where the sun does the same: and if any one believes that the Cuman history of this period rests on surer foundations than the Roman, let him compare the story of Aristodemus in Dionysius with that in Plutarch [1225].

[1225] Mulier. Virtut. XXVI. p. 261. According to this version Aristodemus brings aid to the Romans.

THE PERIOD
DOWN TO THE DEATH OF TARQUINIUS.

When we reach the borders of mythical story, which without a miracle could not be immediately followed by regular annals, a division of time by epochs is a necessary shift, which ought not therefore to subject me to the charge of inconsistency. The opinion we are to form on the pretended histories of the period just markt out, is evident from comparing the two historians. Livy under 251 and 252 narrates a war against Pometia and the Auruncians, and repeats the same afterward, under the year 259, as a war against the Volscians[1226]: Dionysius was too careful to commit an oversight of this kind, and relates it only in the latter year. On the other hand Livy, who on this point is the more inconsiderate of the two, shews much greater judgement with regard to the Sabine wars; mentioning nothing about them except two triumphs out of the Fasti; without a syllable on the military occurrences of the five campaigns circumstantially recounted by Dionysius.

Nor does the latter go less into detail in describing the events of the Latin war; of which nothing but the battle of Regillus is narrated by Livy; except under 255, where he says, as briefly as possible, that Fidenæ was besieged, Crustumeria taken, Prænestе came over to

[1226] The three hundred hostages who are put to death in II. 16, are the same who in II. 22 are given up, in the year 259.

the Romans. As to the celebrated battle itself he tells us candidly, that while some writers, whom he followed, placed it in the year 255, others put it off till 258, the consulship of Postumius,—the date given by Dionysius: from which variation it is clear that the oldest triumphal Fasti did not mention it. Without doubt too it was only the later annalists who spoke of Postumius as the commander; having forgotten that the Africanus, whose renown was sung by the Calabrian bard, was the first Roman who gained a surname from his conquests[1227]; while they did not observe how frequently surnames from a place of residence occur in the Fasti of the earliest times. As the Claudii took that of Regillensis, so did the Postumii. This battle, as thrust into history, stands without the slightest result or connexion. The victory is complete: yet, after several years of inaction, a federal treaty sets its seal to the perfect independence and equality of the Latins; the very point, to decide which the battle was fought.

So that here again we have merely a heroic lay; another fragment of which has been preserved by Dionysius. Before the melancholy contest between the two kindred nations broke out, they engaged to keep peace for a year, that the numberless ties amongst their citizens might be amicably dissolved. Leave was also granted to such women of each nation as had married in the other, to return to their friends, taking their daughters along with them. All the Roman women[28] left their Latin husbands: all the Latin women, except two, staid at Rome. The proud virtue of the matrons was still blooming in full purity when these lays were composed.

The battle of the lake Regillus, as described by Livy,

[1227] Primus certe hic imperator nomine victae ab se gentis est nobilitatus: exemplo deinde hujus, etc. Livy, XXX. 45.

[28] Away with the insipid refinement μικροῦ δεῖν πᾶσαι, in Dionysius, VI. 1.

is not an engagement between two armies: it is a conflict of heroes, like those in the Iliad. All the leaders encounter hand to hand; and by them the victory is thrown now into one scale, now into the other; while the troops fight without any effect. The dictator Postumius wounds king Tarquinius, who at the first onset advances to meet him[1229]. T. Æbutius, the master of the horse, wounds the Latin dictator: but he himself too is disabled, and forced to quit the field. Mamilius, only aroused by his hurt, leads the cohort of the Roman emigrants to the charge, and breaks the front lines of the enemy: this glory the Roman lays could not allow to any but fellow-citizens, under whatever banner they might be fighting. M. Valerius, surnamed Maximus, falls as he is checking their progress. Publius and Marcus, the sons of Publicola, meet their death, in rescuing the body of their uncle[30]: but the dictator with his cohort avenges them all, repulses the emigrants, and puts them to flight. In vain does Mamilius strive to retrieve the day: he is slain by T. Herminius, the comrade of Cocles. Herminius again is pierced through with a javelin, while stripping the Latin general of his arms. At length the Roman knights, fighting on foot before the standards, decided the victory: then they mounted their horses, and routed the yielding foe. During the battle the dictator had vowed a temple to the Dioscuri. Two gigantic youths on white horses were seen fighting in the van: and from

[1229] Dionysius is angry with Macer and Gellius, for not calculating that Tarquinius, even supposing him the grandson of Priscus, must have been ninety years old. Is it purposely that he suppresses their both calling him the son of Priscus? so that according to the tables his age must have been 120. He himself substitutes Titus Tarquinius for his father, to save the battle for history.

[30] This is mentioned by Dionysius alone: that it is drawn from an ancient source, is the more certain, since they come forward as actors in a later part of his history. See Glareanus and Sylburg on Dionysius, VI 12.

its being said, immediately after the mention of the vow, that the dictator promist rewards to the first two who should scale the wall of the enemy's camp, I surmise that the poem related, nobody challenged these prizes, because the way for the legions had been opened by the Tyndarids[1231]. The pursuit was not yet over, when the two deities appeared at Rome, covered with dust and blood. They washt themselves and their arms in the fountain of Juturna beside the temple of Vesta, and announced the events of the day to the people assembled in the Comitium. On the other side of the fountain the promist temple was built. The print of a horse's hoof in the basalt on the field of battle remained to attest the presence of the heavenly combatants[32].

This, it must be owned, is a rich and beautiful epical story; and yet assuredly our historians were not acquainted with its genuine old form. This battle of giants, in which the gods openly take part, and determine the result, closes the *Lay of the Tarquins:* and I am convinced I am not mistaken in conjecturing, that in the old poem the whole generation, who had been warring with one another ever since the crime of Sextus, were swept away in this *Mort of Heroes:* he himself according to Dionysius fell here. In our accounts indeed king Tarquinius is only wounded and escapes: but this is to make the story tally with the historical record of his dying at Cuma. Mamilius is slain: Marcus Valerius Maximus is slain, in spite of the historical traditions that he was dictator some years after: and Publius Valerius, who also finds his death, is assuredly not Publicola's son, but Publicola himself. Herminius too falls: so most unquestionably does Larcius, the second companion of Cocles, and doubtless the same person with the first dictator: only he is kept in the background,

[1231] As was the case in the battle of Fabricius against the Lucanians: Valerius Maximus, I. 8. 6.

[32] Cicero, de Nat. Deor. III. 5(11).

because a different one is put at the head of the army. Thus the manes of Lucretia are appeased: and the men of the heroic age depart out of the world, before injustice begins to domineer, and gives birth to insurrection, in the state which they had delivered.

The account in the Annals, which places the death of Publicola in the year 251, is not more authentic than the poetical story. Assuredly it had no other foundation than that his name is not met with further on in the Fasti. The funeral orations of his family have supplied us with the information, that the matrons mourned for him ten months, as they did for Brutus; and that he was buried at the public cost. According to one story, the expense was defrayed from the common chest of the burghers [1233]; which agrees with his name Poplicola. According to the other a quadrant a head [34] was contributed by the people, that is, by the commonalty: for this was a plebeian mark of respect. Probably, in conformity with the ancient practice, neither of the two estates was behind the other, as the fact is represented on the decease of Menenius Agrippa [35]. The paying them such a last honour is no ground for supposing that either of the two died in want.

The death of Tarquinius at Cuma is certainly historical. But the only reason for placing it in the year 259 was no doubt because the ferment among the commonalty broke out in that year; and the tradition ran, that, so long as he lived, the patricians kept within bounds. Aristodemus, whose name is infamous among the earlier

[1233] De publico est elatus: Livy, II. 16.

[34] Plutarch, Publicol. c. 23. The Greek language, less rich in political terms than the Latin, has only the single word δῆμος to express the whole people and the commonalty. This has given rise to a number of misapprehensions.

[35] The passage on this subject in Dionysius (VI. 96) deserves attention, from the manner in which the estates are distinguisht; but it is of too great length to be inserted here.

Greek tyrants for his atrocities, became the heir of his illustrious client; and some years after detained the property of the republic, in lieu of his claims to that of the Tarquins. Of the sons and grandsons of the Roman exiles, some may perhaps have been among the followers of Appius Herdonius when he seized the Capitol, and may thus have breathed their last in the home of their fathers.

Among the events placed in the last portion of the mythical age, is the reception of the Claudian gens. In the year 250 Attus Clausus, a powerful Sabine, migrated to Rome with the members and clients of his house. Clausus is in Virgil the eponym of the house and of the tribe, belonging to an age anterior to the Romans *: which indisputably agrees with the spirit of the early ages. Claudius is derived from Clausus, as Julius is from Iulus, and is not a dialectic variety of the name. I here repeat my conjecture that the Claudii replaced the Tarquinian house and tribe. So that the statement, that two jugers of public land were assigned to every client, may perhaps be utterly groundless: and the plebeians in this tribe may have been as independent as in every other. Else this would look like an attempt to intermix tribes of clients with those composed of the free proprietors[1236]. The one and twentieth

* See note 980.

[1236] See p. 422. Livy, II. 16: His civitas data, agerque trans Anienem. *Vetus Claudia* tribus—appellata. This epithet occurs nowhere else, any more than a *Claudia nova* does; and it is so singular, that I should be disposed to read: trans Anienem *veterem*. Claudia tribus etc. For some of my readers it may not be superfluous to remark that the *Anio vetus* was the aqueduct from the Teverone to Rome, begun by Curius: Frontinus de Aquaed. I. Now if the region of the Claudian tribe lay between Fidenæ and Ficulea, according to the reading of Lapus and Gelenius in Dionysius (v. 40), half of it would be on the Roman side of the river Anio; but the whole was beyond that aqueduct. Suetonius indeed (Tiber. c. I.) says merely *trans Anienem*; but this does not refute my conjecture.

tribe of the year 259 must be the Crustumine[1237]. This was the first that was substituted for one of the lost ten; as also the first named after a place, instead of an *Indiges* or *Semo*.

Crustumeria is said to have been taken in the Latin wars. But the receiving its citizens into the Roman plebs was probably the consequence of a treaty with the Latins. In explaining the league with them, I shall shew that on that occasion their thirty towns were newly arranged, and their number completed: for which purpose Rome gave up at least one place, and the Latins in return seem to have resigned their claim to Crustumeria. In like manner, at the end of the fourth century, when Latium after a thirty-years quarrel again entered into alliance with the Romans, and enlarged its territories, the Roman commonalty was increast by the cession of some places, the citizens of which formed two new tribes.

This leads me to suspect that those Sabines, who, with the remnant of the dissolved Tarquinian tribe, made up the Claudian, came to Rome in like manner on the conclusion of peace with their nation, and that the Claudii then for the first time became Romans and patricians. The author of this peace was Sp. Cassius[38]; whose two subsequent consulships are memorable for the leagues establishing a community of franchise with the Latins and Hernicans. This accordingly was that great man's plan to support the tottering dominion of Rome, and to

[1237] This has already been conjectured by Panvinius: who however had no other notion on the subject, than that there had been only twenty plebeian tribes ever since the time of Servius.

[38] Dionysius, v. 49. In proportion as the terms of the peace here stated, for instance the giving up 10000 jugers of olive plantations, have an apocryphal look, his silence loses its weight as an objection to my hypothesis. The terms were invented, just like the battles, because nothing was preserved except the bare record that a treaty was concluded.

pave the way for her recovering what she had lost: and the beforementioned increase in the numbers of the census after 246 is accounted for, if a similar relation was entered into with the Sabines in 252; not indeed with the whole nation, but with the nearest cantons. That such a compact however cannot have been lasting, is clear from the subsequent diminution [1239].

[1239] See p. 553. Regillum lay to the south of the Anio, in the midst of Roman towns; and so did the Claudian region.

THE DICTATORSHIP.

THE appointment of the first dictator is placed in the tenth year after the first consuls; and the oldest annalists say he was T. Larcius. But there were divers contradictory statements; and the vanity of the Valerian house assigned this honour to a nephew of Publicola. According to the date just mentioned, Larcius was consul at the time, and so only received an enlargement of his power. Another account related as the occasion of the appointment, what sounds probable enough, that by an unfortunate choice the republic had been placed in the hands of two consuls of the Tarquinian faction, whose names were subsequently rendered dubious by partiality or by calumny.

That the name of dictator was of Latin origin, is acknowledged: and assuredly the character of his office, invested with regal power for a limited period, was no less so. The existence of a dictator at Tusculum in early, at Lanuvium in very late times *, is a matter of history: and Latin ritual books, which referred to Alban traditions [1240], enabled Macer to assert that this magistracy had subsisted at Alba [41]; though it is true that the preservation of any historical record concerning Alba is still more out of the question than concerning Rome

* Cicero pro Milone, 10(27).

[1240] The Julii had their altar in the theatre at Bovillæ, consecrated *lege Albana;* which would infer that there was something more than oral tradition. [41] Dionysius, v. 74.

before Tullus Hostilius. The Latins however did not merely elect dictators in their several cities, but also over the whole nation. From a fragment of Cato we learn that the Tusculan Egerius was dictator over the collective body of the Latins[1242]. Here we catch a glimmering of light; but we must follow it with caution. If Rome and Latium were confederate states on a footing of equality, in the room of that supremacy which lasted but for a short time after the Revolution, they must have possest the chief command alternately: and this would explain why the Roman dictators were appointed for only six months; and how they came to have twenty-four lictors; namely, as a symbol that the governments of the two states were united under the same head. The consuls had only twelve between them, which went by turns from one to the other. And so the dictatorship at the beginning would be directed solely toward forein affairs: and the continuance of the consuls along with the dictator would be accounted for: nay, the dictatorship, being distinct from the office of the *magister populi*, might sometimes be conferred on him, sometimes on one of the consuls.

The object aimed at in instituting the dictatorship,— as I will call it from the first, by the name which in course of time supplanted the earlier one,— must incontestably have been, to evade the Valerian laws, and to reestablish an unlimited authority over the plebeians, even within the barriers and the mile of their liberties[43]. For the legal appeal to the commonalty was from the sentence of the consuls, not from that of this new magistrate. Nor does such an appeal seem ever to have been introduced, not even after the power of the tribunes had

[1242] Origin. II. quoted by Priscian, IV. 4.

[43] Δικάζειν καὶ ἀποκτείνειν καὶ οἴκοι καὶ ἐν στρατείαις ἠδύνατο, καὶ οὐ τοὺς τοῦ δήμου μόνον, ἀλλὰ καὶ τῶν ἱππέων, καὶ ἐξ αὐτῆς τῆς βουλῆς. Zonaras, VII. 13.

grown to an inordinate excess: the Romans rather chose to let the dictatorship drop. The tradition accordingly is perfectly correct in recording how the appointment of a dictator alarmed the commonalty [1244].

That even the members of the houses at the first had no right of appealing against the dictator to their comitia, though they had possest such a right even under the kings, is expressly asserted by Festus [45]. At the same time he adds that they obtained it. This is confirmed by the example of M. Fabius; who, when his son was persecuted by the ferocity of a dictator, appealed in his behalf to the populus [46]; to his peers, the patricians in the curies.

The later Romans had only an indistinct knowledge of the dictatorship, drawn from their earlier history. Excepting Q. Fabius Maximus in the second campaign of the second Punic war, whose election and situation moreover were completely at variance with ancient custom, no dictator to command an army had been appointed since 503; and even the comitia for elections had never been held by one since the beginning of the Macedonian war. As applied to the tyranny of Sylla, and the monarchy of Cæsar, the title was a mere name, without any ground for such a use in the ancient constitution. Hence we can account for the errour of Dion Cassius,

[1244] Creato dictatore — magnus *plebem* metus incessit. Livy, II. 18.

[45] V. Optima lex. Postquam provocatio ab eo magistratu ad *populum* data est, quae antea non erat.

[46] *Provoco ad populum*, according to the law under Tullus Hostilius, *provocatione, cui Tullus Hostilius cessit:* Livy, VIII. 33. The senators repaired from the *Curia* to the *concio*, that is, to the Comitium, hard by the *Curia*. Fabius was not displeased to be sent down from the *rostra* to the Comitium, where he might speak freely, as a member of the great council of the populus. The aid of the tribunes might be serviceable in case of extremity, because their persons were inviolable: but in no way could the affair be brought before the *concilium* of the plebs.

when, overlooking the privilege of the patricians, he expressly asserts that in no instance was there a right of appealing against the dictator, and that he might condemn knights and senators to death without a trial[1247]; as well as for that of Dionysius, who fancies he decided on every measure at will, even about peace and war[48]. Such notions, out of which the moderns have drawn their phrase *dictatorial power*, are suitable indeed to Sylla and Cæsar: with reference to the genuine dictatorship they are utterly mistaken[49].

Like ignorance as to the ancient state of things is involved in the notion of Dionysius, that, after the senate had merely resolved that a dictator was to be appointed, and which consul was to name him, the consul exercised an uncontrolled discretion in the choice[50]: which opinion, being delivered with such positiveness, has become the prevalent one in treatises on Roman antiquities. Such might possibly be the case, if the dictator was restricted to the charge of presiding over the elections, for which purpose it mattered not who he was. In the second Punic war, in 542, the consul M. Valerius Lævinus asserted this as his right[51]: and in the first the practice must already have been the same; for else

[1247] Zonaras, quoted in note 1243.

[48] v. 70. 73: Πολέμου καὶ εἰρήνης καὶ παντὸς ἄλλου πράγματος κυρία (ἀρχὴ) αὐτοκράτωρ καὶ ἀνυπεύθυνος.

[49] Of the latter on the contrary are we to understand the statement in the same passage of Zonaras, that the dictator (like the consuls) could not draw upon the treasury beyond the credit on it granted to him by the senate.

[50] v. 73: Οὐ παρὰ τοῦ δήμου τὴν ἀρχὴν εὑρόμενος—ἀλλ' ὑπ' ἀνδρὸς ἀποδεχθεὶς ἑνός. Compare the whole account of the appointment of T. Larcius just before this.

[51] The senate decreed that the consul should inquire the will of the people, as to the person to be appointed, and should proclaim him whom they chose: the consul *negabat se populum rogaturum quod suae potestatis esset:* Livy, XXVII. 5.

P. Claudius Pulcher could not have insulted the republic by nominating M. Glycia*. But never can the disposal of kingly power have been entrusted to the discretion of a single elector.

The pontifical lawbooks, clothing the principles of the constitution after their manner in a historical form, preserved the true account. For what other source can have supplied Dionysius with the resolution of the senate, as it professes to be, that a citizen, whom the senate should nominate, and the people approve of, should govern for six months[1252]? The people here is the populus. It was a revival of the ancient custom for the king to be elected by the patricians: and that such was the form is establisht by positive testimony[53].

Still oftener, indeed throughout the whole first decad of Livy, do we read of a decree of the senate whereby a dictator was appointed, without any notice of the great council of the patricians[54]. The old mode of electing

* Livy, Epit. XIX. Suetonius, Tiber. c. 2.

[1252] Ὃν ἂν ἡ τε βουλὴ προέληται, καὶ ὁ δῆμος ἐπιψηφίσηται. Dionysius, v. 70.

[53] M. Valerius—qui primus magister *a populo* creatus est. Festus, v. Optima lex. Accepto senatus decreto ut comitiis curiatis revocatus de exilio *jussu populi* Camillus dictator extemplo crearetur: Livy, v. 46. Ap. Claudium dictatorem *consensu patriciorum* Servilius consul dixit: VII. 6. Before the secession of the plebs, Appius was on the point of being created dictator; but the consuls and the *seniores patrum* contrived to prevent it (II. 30): so that the annalist had in his eye an election by the *juniores*, that is, in this place, the curies. The viator, who carries the dictatorship to Cincinnatus, says to him: vela corpus ut proferam *senatus populique Romani* mandata: Pliny, XVIII. 4.

[54] IV. 17. Senatus dictatorem dici Mam. Aemilium jussit.—23: Senatus Mam. Aemilium dictatorem iterum dici jussit.—46: Dictator ex S. C. dictus Q. Servilius Priscus. VIII. 17: Dictator ex auctoritate senatus dictus P. Cornelius Rufinus. IX. 29: Auctore senatu dictatorem C. Junium Bubulcum dixit. X. 11: M. Valerium consulem omnes centuriae dixere, quem senatus dictatorem dici jussurus erat. The whole story, how Q. Fabius constrained himself to declare his

the kings was restored in all its parts. The dictator, after his appointment, had to obtain the *imperium* from the curies[1255]. And thus, from possessing this right of conferring the *imperium*, the patricians might dispense with voting on the preliminary nomination of the senate. Appointing a dictator was an affair of urgency: some augury or other might interrupt the curies: it was sufficiently unfortunate that there were but too many chances of this at the time when he was to be proclaimed by the consul, and when the law on his *imperium* was to be past. And after the plebeians obtained a share in the consulate, as the senate was continually approximating to a fair mixture of the two estates, it was a gain for the freedom of the nation, provided the election could not be transferred to the centuries, to strengthen the senate's power of nominating. Under the old system a plebeian could not possibly be dictator. Now as C. Marcius in 398 opened this office to his own order, whereas in 393 it is expressly stated that the appointment was approved by the patricians, it is almost certain that the change took place in this interval. Even in 444 the bestowal of the *imperium* was assuredly more than an empty form. But it became such by the Mænian law. Thenceforward it was only requisite that the consul should

mortal enemy dictator (IX. 38), implies that L. Papirius was already nominated, but could not enter upon his office, unless the consul proclaimed him. Even Dionysius in one instance recognizes the nomination or proposal by the senate: VII. 56: Δικτάτωρ ὑφ' ὑμῶν αἱρεθείς. The following passages also apply to the election by the senate. II. 30: Manium Valerium creant (consules senioresque patrum). IV. 21: Dictatorem dici A. Servilium placet. VI. 2: Placuit dictatorem dici M. Furium Camillum. VII. 12: Dictatorem dici C. Sulpicium placuit. The following have a wider sense. III. 26: L. Quinctius Cincinnatus consensu omnium dicitur. VI. 28: Dictatorem T. Quinctium Cincinnatum creavere. *Creavere* is used in reference to the comitia: see for instance IV. 11.

[1255] Livy, IX. 38, under the year 444: (L. Papirio Cursori) legem curiatam de imperio ferenti triste omen diem diffidit.

consent to proclaim the person named by the senate. Thus after that time, in the advanced state of popular freedom, the dictatorship could occur but seldom, except for trivial purposes: and if on such occasions the appointment was left to the consuls, they would naturally lay claim to it likewise in those solitary instances where the office still had real importance [1256].

However, when P. Claudius insultingly misused his privilege, the remembrance of the ancient procedure was still fresh enough for the senate to have the power of annulling the scandalous appointment. To do so, they would not even need the legal limitation mentioned by Livy, that none but consulars were eligible. A law of those early times can only have spoken of pretors and pretorians: for which reason, the pretor continuing to be deemed a collegue of the consuls, it was not violated when L. Papirius Crassus was made dictatôr in 415: and the other cases, which would be against the rule, if interpreted strictly of such men as had actually been consuls, might probably be explained in the same way, if we had pretorian Fasti [57].

In a number of passages it is distinctly stated that the master of the knights was chosen by the dictator at pleasure. But this again must have been the more

[1256] These transitions are exhibited in the account given by Dionysius, how, at the very first establishment of the dictatorship, the people committed the choice to the senate, the senate to the consuls. As to the *imperium*, he knows nothing of it. All this, if he had invented it, would be absurd: but he met with it in his books: and we are already acquainted with many symbolical representations of the same kind.

[57] Did Rome excite the attention of Aristotle? As he never in the *Politics* quotes its constitution, which in his days was just in its prime, he must have been unacquainted with it. But the remark (Polit IV. 10), *ἐν βαρβάροις τισὶν αἱροῦνται αὐτοκράτορας μοναρχοντας*, probably refers to the Romans, as well as the Samnites and Lucanians. He refers to the analogous example of the *æsymnetes*; and Dionysius does exactly the same when speaking of the dictatorship.

recent practice. At all events his appointment is attributed in one instance to the senate, no less clearly than that of the dictator; as at the origin of the office it is, at least in general terms, to *electors* [1258]: and the decree of the plebs, which in 542 raised Q. Fulvius Flaccus to the dictatorship, enjoined him to appoint P. Licinius Crassus *magister equitum* *. The civil character of this officer is envelopt in total obscurity. But that he was not merely the master of the horse, and the dictator's lieutenant in the field, is certain. I conjecture, that he was elected by the centuries of plebeian knights, — as the *magister populi* was by the *populus*, the six suffragia, — and that he was their protector [59]. The dictator may have presided at the election; so that the twelve centuries voted on the person whom he proposed. This might afterward fall into disuse; and he would then name his brother magistrate himself.

[1258] Livy, VIII. 17: Dictator ab consulibus ex auctoritate senatus dictus P. Cornelius Rufinus, magister equitum M. Antonius. II. 18: of Larcius and Sp. Cassius—creatos invenio. *Consulares legere.*

* Livy, XXVII. 5.

[59] Hence a plebeian would be eligible to this office even before the Licinian law. See p. 521. There seems to be a reference to the plebeian knights, where C. Servilius Ahala is sent by the dictator to Sp. Mælius: Livy, IV. 14.

THE COMMONALTY BEFORE THE SECESSION, AND THE *NEXI.*

THE appointment of the dictator by the curies was a step backward from the constitution of Servius, evincing a settled plan to rob the plebeians of its advantages and honours, while its burthens were still to remain with them: and it was the prelude to a far worse usurpation, by which the plebs was deprived of its right of electing the consuls in the centuries, as it had already been of its share in the consulship. Possessing the dictatorial power, which they might either exercise or hold out in terrour, the patricians were strong enough to engage in a plan for stripping their free countrymen of all their rights, and reducing them individually to slavery. Had it been executed with caution, the atrocious design might have succeeded. Its failure, as is often the case, was owing to their mad impatience and precipitance, and to that cupidity which will not wait, until usurpation in its struggle against the spirit of freedom has cleared the course for it.

After the banishment of the Tarquins, the government behaved kindly to the commonalty. It is related that all duties were done away; and that the city took the salt-trade into its own hands, to stop the extortion of the retail-dealers [1260]. As to the statement that the plebs was exempted from tribute, it must either mean,

[1260] Livy, II. 9.

that the whole charge of paying the troops was thrown upon the erarians*, or that the arbitrary taxation introduced under the last Tarquinius was abolisht. The Valerian laws restored the good laws of king Servius with regard to life, personal security, and honour. In like manner the first consuls are said to have renewed the laws which prohibited pledging the person[1261]. That the guilds and their motes were reestablisht, follows of course.

But it was only while Tarquinius excited alarm, and till the hard war with Etruria was ended, that the government, as Sallust says, ruled with justice and moderation. When this was over, the patricians dealt with the plebeians as with slaves, tyrannically maltreated them, and even sported with their lives, turned them out of the public domain, and wielded the government alone, to the exclusion of their fellowcitizens: by which outrages, and above all by the pressure of usury, the commonalty, being forced at once to pay tribute, and to serve in neverceasing wars, was at last driven into insurrection. This representation has been adopted by the greatest father of the western church as evidently true[62]. To the same effect Livy relates, that, so long as Tarquinius was living in exile, the favour of the plebs was courted; but that after his death the nobles began to maltreat it[63]. I repeat, that chronological statements with regard to this period are totally idle: only it is too gross a violation of all probability, for Livy to place the king's death, the change in the conduct of the patricians, and the beginning of its fruits, the first disturbance, all in the same year. Some annalist must have mentioned the evil, which without

* See p. 473.

[1261] Dionysius, v. 2: Καὶ τοὺς νόμους τοὺς περὶ τῶν συμβολαίων τοὺς ὑπὸ Τυλλίου γραφέντας, φιλανθρώπους καὶ δημοτικοὺς εἶναι δοκοῦντας, οὓς ἅπαντας κατέλυσε Ταρκύνιος, ἀνενεώσαντο.

[62] Augustin, de Civitate Dei, II. 18.

[63] II. 21: Plebi, cui ad eam diem summa ope inservitum erat, injuriae a primoribus fieri coepere.

doubt had been waxing worse and worse during several years, for the first time retrospectively at the epoch when it reacht its full growth.

That the oligarchy should have been strong enough, when aided by the terrours of the dictatorship, openly to revive the ancient laws of debt, is no way incredible. When we find these laws however not only remaining unaltered at the peace between the two estates, but for half a century after those of Licinius, great doubts are cast on the story that they had been abolisht twice in the very early ages. Be this as it may, that difference between the rights of the two orders, which afterward caused the need for the legislation of the decemvirs, was here so deeply rooted, that it lasted for four generations after the laws of the twelve tables. Hence Livy, when he is about to relate the abolition of bondage for debt, says, this was the commencement of a new freedom for the plebs[1264]. This remark clearly belongs to an old annalist, not to Livy: it may therefore be regarded as a distinct assertion, on what otherwise could only be inferred, though with perfect certainty; namely, that the pressure of this system fell on the plebeian debtor alone. As to the patrician, he can never have either pledged his person by covenant, or been sentenced to servitude by the law.

Now if the only difference had been, that the original citizens enjoyed a better state of law within their own body, this would have bred no feud between the two estates. The plebs might have past a resolution to adopt the same system, and would have had no trouble in obtaining the sanction of the ruling class for it, if requisite. But unfortunately it was the interest of the patricians to stand up for the cruel practice of personal pledges, as much as for any privilege of their order. Livy himself,

[1264] VIII. 28: Eo anno plebi Romanae velut aliud initium libertatis factum est, quod nect desierunt. See p. 431.

in spite of his prejudices, does not suppress what was to be read in the Annals; that every patrician house was a gaol for debtors; and that in seasons of great distress, after every sitting of the courts, herds of sentenced slaves were led away in chains to the houses of the nobless[1265]. Dionysius too represents king Servius as saying, that the cruel usury of the patricians, who by its means were reducing the free citizens to servitude, and their pretensions to the exclusive occupation of the public domain, were the motives which urged them to plot his death[66]: and in the decisive case, where the abominable consequences of this system led to its abolition, the usurer, L. Papirius, was a patrician; his victim a plebeian, C. Publilius *.

Nay, they appear in these cases not like persons who from their superior power come forward in behalf of others as well as of themselves, but as if they alone were concerned; and this too so late as in the year 397, when a reasonable limitation to the rate of interest is eagerly determined upon by the plebs, but gives offense to the patricians[67]. Not that we can suppose the plebeians to have been without the power of proceeding after the same system. Only if they wisht to abuse it, by stretching it to the utmost, they might be restrained, as they were subsequently by the tribunes of the people,

[1265] VI. 36: Gregatim quotidie de foro addictos duci, et repleri vinctis nobiles domos: et ubicunque patricius habitet, ibi carcerem privatum esse.

[66] IV. 11: *Μεμήνυνταί μοι τινὲς ἐκ τῶν πατρικίων ἀποκτεῖναί με συνομνύμενοι,—ὧν τὸν δῆμον εὖ πεποίηκα—ἀχθόμενοι—οἱ δανεισταὶ μὲν, ὅτι τοὺς πένητας ὑμᾶς οὐκ εἴασα τὴν ἐλευθερίαν ἀφαιρεθῆναι ὑπ' αὐτῶν πρὸς τὰ χρέα ἀχθέντας* (read *ἀπαχθέντας*), *οἱ δὲ καταναισχυντιζόμενοι τὰ δημόσια κ. τ. λ.*

* Livy, VIII. 28.

[67] Haud aeque laeta patribus—de unciario foenore—rogatio est perlata: et plebs aliquanto eam cupidius scivit: Livy, VII. 16. Manlius too (VI. 14) vociferatus de superbia patrum, ac crudelitate foeneratorum, et miseriis plebis.

so even in those days by the magistrates whose office gave rise to that of these tribunes: and the free possessor of hereditary property might screen himself against the persecution of a brother plebeian, by becoming the client of a patrician. Probably however the main part of the loans were merely negociated in the name of patricians on account of their clients, who were forced to appear in the person of their patrons, and who also reapt the greatest advantage from doing so. If a foreiner practist such usury, he had without doubt, beside the ordinary burthens of clientship, to pay, like the freedmen, a particular sum to his lord.

Now that in these early times not the slightest trace should be found of usury carried on by the plebeians, is the more remarkable, because in the latter ages of the republic the plebeian knights were the very class among whom it struck root; although Cato had pronounced it to be no better than highway-robbery. On the other hand, among the members of the few remaining patrician houses, hardly a single one has been charged with this disgraceful trade; a memorable instance, that virtues and vices are not heirlooms in particular families or classes of society; but that the power of doing what they list will mislead such as are not restrained by respect for the opinion of the better disposed among their fellowcountrymen and equals; whereas the necessity of keeping watch over our honour preserves us from depravity; that a dominant faction is ever sure to transgress, and thereby to set its adversaries in a favorable light.

In all countries men in need have had the wretched right of selling their persons and their families. It obtained among the northern nations as well as among the Greeks and in Asia. The right of the creditor to seize his insolvent debtor as a servant, and by his labour, or by the sale of his person, to repay himself so far as this went, was scarcely less widely spread. Akin in their origin and in their results, these rights are yet substantially

different: and if we draw a proper distinction between them, the ancient Roman law of debt becomes perfectly clear and simple.

Debts may be incurred either by a direct loan, or by breach of an obligation to some payment. Besides, according to the Roman law, certain offenses created such an obligation, as larceny and the like. Now whether the debt arose from such offenses or otherwise, whoever, after the pretor had given sentence, failed to discharge it within the legal term, was consigned by the law to the creditor as his bondman: but he was *addictus*, and not *nexus*[1268]. A person became *nexus*, when by a regular Quiritary bargain before witnesses, for money weighed out to him, he disposed of himself, and consequently of all that belonged to him; whereby under the form of a sale he in reality pledged himself. Into this state none could come except by his own act and deed.

For, as we learn from the well-known testimony of Ælius Gallus[69], every transaction according to Quiritary law and with these forms was a *nexum:* and it is an utter mistake, which occurs only among the moderns, to derive the name of the *nexi* from their fetters, and to suppose that they were slaves in fetters for debt. At the first every such transaction, as is too plain to need

[1268] So was the person who had pledged himself, and did not redeem himself within the fixt term: he then ceast to be *nexus*. Hence Dionysius, in the classical passage on the subject (VI 83), only discriminates between the *addiction* incurred by debt and from offenses. Menenius offers to cancel all the *nexa* of the insolvent (*τοὺς ὀφείλοντας χρέα καὶ μὴ δυναμένους διαλύσασθαι, ἀφεῖσθαι τῶν ὀφλημάτων*); to set at liberty all such as were *addicti* from having failed in their payments (*εἴ τινων τὰ σώματα ὑπερημέρων ὄντων ταῖς νομίμοις προθεσμίαις κατέχεται*); and in like manner all those who were so on account of a *delictum privatum* punishable with a fine (*δίκαις ἁλόντες ἰδίαις*· not state-criminals).

[69] Quoted by Festus: Nexum est, ait Gallus Aelius, quodcumque per aes et libram geritur, idque necti dicitur, quo in genere sunt haec; testamenti factio, nexi datio, nexi liberatio.

proof; was an actual sale. But the ingenuity of the Roman jurists contrived by means of these forms to establish a system of pledging, whereby the seller was to keep possession of what he had sold, and to redeem his pledge on repaying the money he had received as an earnest: while on the other hand, if the money was not repaid, the creditor laid claim to his property before the pretor. The same form was given to a number of other transactions and proceedings, such as marriage by coemption, the fictitious sale of children for their emancipation, wills, and so on. All these, together with the actual transfer of property, are comprehended in the definition given by Varro from Manilius [1270]: and in this wider sense Sylla allowed all the *nexa* of the new citizens, whom he deprived of their franchise, to stand, as well as their rights of inheritance [71]. But the fictitious sales were so frequent, the transactions carried on under the form of such sales were so important, that it became necessary to have a peculiar name for them. Hence usage restricted the general term to these, excluding the *mancipia*, the actual transfers of property: and so Varro after Scaevola defined a *nexum* to be the form where a thing is pledged, but not alienated [72].

As the meaning of this word changed in process of time, so Varro's definition of a *nexus* does not apply quite correctly, except to a single case. No doubt, when a freeman had contracted by servile labour to work off the debt for which he had pledged his person in a Quiritary sale,

[1270] De L. L. VI. 5. p. 100: Nexum Manilius scribit omne quod per libram et aes geritur, in quo sint mancipia. So the Florentine MS.

[71] Cicero, pro Caecina, 35(102): Ita tulit de civitate, ut non sustulerit horum nexa atque haereditates.

[72] In the same place: Mucius (Scaevola is an interpolation) quae per aes et libram fiant ut obligentur, praeter quae (*vulg.* praeter quam quae: *Flor.* praeter quam) mancipio dentur,— id est (*vulg.* idem) quod obligatur per libram, neque suum fit (*vulg.* sit). The person whose *nexum* was releast by payment, was *aere et libra liberatus*: Livy, VI. 14. Hence *nexa liberata*, Cicero, de Re p. II. 34.

he was a *nexus*[1273]: only one must not restrict the meaning of the term to this. Whoever had pledged his person in this way was *nexus* or *nexu vinctus*[74]; even if he could not possibly become liable to discharge his debt by service.

Such as had no property must always have concluded their loans under this form: those who had, would be able even in those days to give their land as security. In most cases however a person threatened with a sentence of addiction would probably enter into a *nexum*, that he might escape for the time from that misfortune. If any one whose creditor laid claim to him before the pretor[75], did not redeem himself, his lot was chains and corporal punishment, and all the hardships of slavery[76].

[1273] In the same place: Liber qui suas operas in servitutem (so *Flor.*—*vulg.* servitute) pro pecunia quam debebat, dabat dum solveret *Flor.* debebat dum s. *vulg.* debeat dum s.), nexus vocatur.

[74] The two terms are without doubt equivalent: the former is opposed to *solutus* in the Twelve Tables, the latter in Livy, II. 23: *Nexu vincti solutique se undique in publicum proripiunt:* where Doujat's explanation, which has unaccountably been neglected, is no less certain than obvious. See Drakenborch's note. Sigonius had a glimmering of the truth: but his change—*nexi, vincti, solutique*—corrupts the text.

[75] This addiction is referred to in the passages of Livy quoted in note 1265, and in the words ὑπερημέρων ἀπαγωγή in Dionysius, VI. 23.

[76] On servitude for debts not incurred by borrowing I shall speak in the second volume, after the laws of the Twelve Tables, in which it is so memorable a feature; although these laws must by no means be considered as its primary source. I shall also recur to it when I come to the Poetelian law. But as opinions delivered by word of mouth are apt to get abroad in a mistaken shape, I will here lay down the following propositions beforehand. The Poetelian law merely did away the *nexum* of the person, in room of which the *fiducia* of property became universal: but it made no change in the addiction for debts or offenses; and the latter certainly lasted even beyond the end of the second Punic war. This however was likewise abolisht; and in its stead came the *possessio bonorum debitoris*. The very expression *sectio bonorum* reminds us of the *sectio corporis debitoris*.

So long as a *nexus* was not *addictus*, he enjoyed the same rights as every other full citizen: this was expressly secured to him by the laws [1277]. But on the other hand he who was adjudged as a slave, lost his civic rights [78]. Thus he underwent that *deminutio capitis* [79], of which it is true that our civil lawbooks make no mention, because we have nothing of Manilius or Scævola, and those who wrote under the emperors lived long after it had been forgotten; of which however we have indisputable evidence in the circumstance that an action which endangered a person's civic character,—a *judicium turpe*,—was a *causa capitis*, though no way affecting his life. In the same manner a cause, where the question was, whether the possession of a person's goods had been adjudged (*addicta*) by the sentence of the pretor, was a *causa capitis* [80]; because this addiction had been substituted for that of the person.

When a debtor was delivered up to his creditor, such of his children and grandchildren as were subject to his authority went into slavery with him: as was the case

[1277] Nexo solutoque idem jus esto.

[78] The consul Servilius promises the plebeians, that during the campaign πᾶσα μὲν οὐσία, πᾶν δὲ σῶμα, πᾶσα δ' ἐπιτιμία πολίτου Ῥωμαίου shall continue ἀῤῥυσίαστος ἀπό τε δανείου καὶ ἄλλου παντὸς συμβολαίου. Dionysius, VI 41. And Appius says (VI. 59) that he had lost money by several of his debtors, but had never made any πρόσθετον οὐδ' ἄτιμον.

[79] Deminutus capite appellatur—qui liber alteri mancipio datus est: Festus.

[80] Hence the affair of P. Quinctius was so (Cicero, pro Quinct. 9 (32)): and the question was, whether his *bona* in reality *possessa fuerint nec ne*. *Caput* was the title in the censorian register, comprising everything set down under it with regard to a person's condition: every change made therein on his becoming *deterioris juris* was a *deminutio capitis*. They who are familiar with the Roman notions will not need many words to understand, that, for instance, the degrading a plebeian to be an erarian, or his removal into a *tribus minus honesta* on being found guilty of *ambitus* or the like, were each a *capitis deminutio*.

when state-criminals were sold along with their family[1281]. This state of the law was known to those annalists, who made the old soldier tell the people, that the usurer had carried him and his two sons into slavery*; and who represented the edict of the consul Servilius as ordaining that, if a debtor-slave[82] were willing to serve, his creditor should not keep his children or grandchildren in confinement[83]. This was the main reason for the emancipation of children; a measure which according to the Roman law on domestic rights could otherwise scarcely have occurred.

If we once gain a clear insight into this law of debt, we have solved the perplexity which led Dionysius to take such strange views, and which thereby has introduced such momentous errours into Roman history.

The Annals related that the persons who seceded on account of their debts were in the legions. But how was it consistent with the Servian constitution, for men to serve therein, who had forfeited their freedom to their creditors, and so were poorer than a proletarian, if he was clear from debts? Dionysius here again takes the perverse course of reconciling these contradictory statements by the groundless assertion that they served as slingers[84]: so that men with less than nothing would have stood in the fifth class. And what would the Servian constitution have been worth, if the hoplites and knights

[1281] Ipse familiaque ad aedem Cereris veneat.

* Dionysius, VI. 26.

[82] An *addictus*, not a *nexus*. The former class was again called out in the second Punic war.

[83] Livy, II. 24: Ne quis militis—liberos nepotesve moraretur. Dionysius, VI. 29: Μήτε γένος αὐτῶν ἀπάγειν. This foreiner misapprehended his authorities, and the nature of the law, in VI. 37. For there can never have been any need of releasing the relations of the *nexi* in an ascending line.

[84] V. 67: Προσθήκης μοῖραν ἐπεῖχον τοῖς ἐν φάλαγγι τεταγμένοις —μηδὲν φέροντες ὅπλον, ὅτι μὴ σφενδόνας.

had been unable to make head against the unarmed populace!

The plebeians however, who left the camp, were *nexi*, whose freedom and property were merely pledged[1283]: and many others, who were not suffering under the same pressure, may have joined them from sympathy, and with a view to avail themselves of circumstances for the furtherance of political freedom. The army might be levied according to the classes; and yet the majority of the hoplites might consist of persons, who, when their debts became payable, would not even be secure of personal liberty. There are but too many countries where a like state of things is to be found; where most of the landholders, though ostensibly they continue to be so, were they to discharge their debts, would have nothing left; and, till that time comes, farm their estates for their creditors, as the Roman debtor farmed his for the usurer[86]. Now if, where a nation is thus circumstanced, the distribution of political rights be proportioned to the landtax paid, it would be so far from agreeing with the relative state of property, that the main part of the citizens electing and eligible to offices might be in a destitute, or even desperate condition.

Here is the proof I promist above, that the tribute was not paid out of the net income. For it corresponded to the census: and if debts had been deducted in assessing this, the *nexi* could not have stood in the classes, or served in the legions. To have explained the *nexum* in the passage where this was before asserted[87], would have grafted one episode upon another. As a further confirmation, I will here add, that the liquidation of debts in the year 403 rendered a census necessary; because, in

[1283] If there is any ground for the story of the calling out the *addicti*, they can only have entered into the irregular bodies, the civic legions. Probably however it is wholly apocryphal.

[86] Dionysius, VI. 79: Τοῖς δανεισταῖς — ἠναγκαζόμεθα τοὺς ἑαυτῶν κλήρους γεωργεῖν.

[87] See p. 468.

adjusting the state of property with the demands of creditors upon it, a number of things changed their owners[1288]. Under an income-tax the only difference would have been, that a person, who till then had paid for ten thousand ases of outstanding money, would now have paid for the same sum vested in land: while the previous possessor, even before he parted with his estate, would not have been taxt for it. Owing to this, the patricians, though they appear as the capitalists, are no way affected by the tribute[89], which is represented as a tax peculiar to the plebs[90].

In the Roman contracts for the use of money, the regular condition was that the sum should be repaid after a stated term: which in those times, as the arguments to be brought forward in another part of this history will prove, must certainly have been the year of ten months. The rate of interest was unrestricted, and therefore exorbitant. The first legal limitation of it to ten per cent was a great relief to the plebs. No wonder then that it is spoken of as having been an ordinary case, for the accumulated interest to raise the principal to many times its original amount[91]. It was the custom to convert the principal when due, together with the

[1288] Livy, VII. 22: Quia solutio aeris alieni multarum rerum mutaverat dominos.

[89] The patricians have been making a present out of their neighbours purses, say the tribunes, when it is determined to give the troops pay; inasmuch as it can only be raised *tributo indicto:* Livy, IV. 60. Such touches come from the annalists.

[90] The tribunes deplore the fate of the plebs, *quae nunc etiam vectigalis facta sit, ut, cum inculta omnia invenerint, tributum ex effecta re familiari pendant:* Livy, V. 10. They bring forward the agrarian law, and forbid the collecting the tribute: V. 12. On another occasion however *plebes coacta huic oneri succumbere,* because the government did not want any levies: *quem delectum impedirent, non habebant tribuni:* VI. 32.

[91] Livy, VI. 14: Multiplici jam sorte exsoluta, mergentibus semper sortem usuris.

interest, into a new debt (*versura*); the discharge of which must soon have become utterly impossible. To understand the condition of the plebeian debtors, let the reader, if he is a man of business, imagine that the whole of the private debts in a given country were turned into bills at a year, bearing interest at twenty per cent or more; and that the non-payment of them were followed on summary process by imprisonment, and by the transfer of the debtor's whole property to his creditor, even though it exceeded what he owed. We do not need those further circumstances, which are incompatible with our manners, the personal slavery of the debtor and of his children, to form an estimate of the fearful condition of the unfortunate plebeians [1292].

Their wretchedness was consummated by a system of base injustice. The plebeians formed the whole infantry of the line: and yet not only was all share in the conquered lands refused to them; even the plunder, which a Roman soldier, unless it was given up to him, had to deliver in upon oath, was often kept back from them. Not that it was employed for national purposes: it went into the common chest of the patricians [93].

This picture of distress, — not unlike the one placed before our eyes by the misery of hundreds of thousands, who are now going to wreck and ruin in seaport-towns, where every fortune is broken and all commerce is lost, and in manufacturing districts where work is at a stand,—

[1292] The practice of mortgaging landed property prevailed at Athens even before the time of Solon, and subsisted along with that of pledging the person, which was afterward abolisht. At Rome the state of things would not admit of it: for it was equally inconsistent with the nature of the plebeian property, and with the usufructuary possession of the patricians.

[93] For *publicum* is *poplicum*, what belongs to the *populus*. See above, note 1106; Vol. II. note 386. Hence the commonalty is incenst *malignitate patrum qui militem praeda fraudavere.—Quicquid captum est vendidit consul, ac redegit in publicum:* Livy, II. 42. There are many other like passages.

deluded Dionysius; so that, when the whole commonalty was driven into insurrection, he lookt upon them as nothing else than a similar low starving multitude, to which idlers, libertines, vagabonds, such as harboured illwill against their neighbours, and such as were malcontents from temper or interest, attacht themselves[1294]. The positiveness of this statement has had an imposing effect: and it has been entirely overlookt that Livy, though no way partial to the plebs, and though he certainly had not a clear insight into the nature of the several orders in early times, still has not a word which, if rightly understood, can give a shadow of support to such an opinion.

A Greek writer indeed could hardly escape being deceived; in the first place, because his language, poorer and less exact in its political terms than the Roman, had only the one word *demus* to render both *populus* and *plebs*[95]. Even in Aristotle's time this word had a variety of senses, and in democracies denoted the nation and assembly of the people as opposed to the magistrates, in oligarchies the commonalty; while popular usage employed it for the needy and common folk. In the days of Augustus, many as were the Greek cities, and those that pretended to be so, there perhaps was not one in which an oligarchy had kept its ground; and democracies were rare: the Romans had everywhere introduced timocracies: and under these, though the general assembly of the citizens also bore the name of *demus*, yet at the same time it was applied, and in a stricter sense, to those inhabitants who, from not possessing the requisites for civic honours, were expressly excluded by the law, or at all events in fact, from the senate and from offices, as common

[1294] Dionysius, VI. 46.

[95] Πόλις and πολῖται may in earlier times have been equivalent to *populus*; nay the former may perhaps be the same word: this definite meaning however it did not retain.

people. The civic plebs too, which Dionysius found at Rome in the eighth century, was undeniably a demus of this sort; formed by the body of those who partook of the largesses destined for the capital[1296]; and consisting mainly of freedmen and semi-citizens. The respectable countrypeople and municipals[97] were completely separate from it: still higher stood the knights, many thousands in number: at top of all the nobless, which had coalesced with the remains of the patricians.

That all these nevertheless were plebeians in a constitutional point of view, — that the whole Roman nation was so, except the fifty patrician houses which were still preserved[98], and the patrician families newly incorporated by Julius Cæsar and Augustus, — this was certainly known to Dionysius. In his later books too he cannot possibly have rankt the leading plebeians, after the consulate was placed within their reach, among the common people. But how could he forget his having related a couple of pages before the description just referred to, that Valerius had enrolled four hundred plebeians among the knights on account of their wealth[99]? One might imagine indeed that the idea of that equestrian middle class, which occupied the interval between the senate and the people, was floating before his mind. But such an idea in this place must have vanisht again the moment he tried to fix it.

If a foreiner, having heard of the misery of the Irish peasants, that they farm the land, which was the freehold of their ancestors, at a rack-rent, the unprotected and forsaken clients of greedy or negligent patrons, should be led by this to look upon all the Irish Catholics as paupers

[1296] As the *plebs urbana* is opposed to the thirtyfive tribes.

[97] The *Romani rustici*.

[98] See p. 329, note 833. I would remind the reader of Capito's definition quoted above in note 821: Gaius, I. 3: Plebis appellatione sine patriciis ceteri cives significantur.

[99] Dionysius, VI. 44.

and beggars, he could not but be exceedingly surprised, if told that they claim a share in the highest honours of the state, and to be eligible into the lower house, when such eligibility both legally and in fact implies the possession of considerable landed property. Unless he were informed that the wretched peasantry are but a part of the whole class, which also comprises members of the nobility and of the middle ranks, he would be just as little able, as Dionysius was, to extricate himself from similar confusion. But when we take a correct view of them, this very body of the Irish Catholics may furnish our age with a perfect parallel to the state of the plebs. They too, like the plebs, are a commonalty. The despair of the poor amongst them is the strongest weapon of the upper ranks: and the indignities these are exposed to would be matter of indifference to their inferiors, unless they were all forced into one body by the pressure of the laws. In one point however there is an enormous difference. The millions in Ireland, who are ready to stake their lives for the pretensions of their superiors, would not, though the latter should gain their ends, see a single one among their vague hopes of better times accomplisht: whereas the lower plebeians were seeking for specific relief to their own actual wants. If England three generations ago had granted the full enjoyment of her civic rights in individual cases, this would have disarmed the Catholics, and separated the higher orders from the populace and the priests who agitate it. At Rome similar measures would not have been availing to hinder distress from breaking out in violence, which the poor man promist himself would release him from his debts, and give him a field of his own.

When an errour has been firmly rooted for centuries, it can hardly be superfluous to bring forward a variety of definite instances in illustration of the truth. The Roman plebs, formed as it was by the incorporating of whole

bodies of citizens and countrypeople, might be compared to the Vaudese dependent on the city of Bern, among whom the old Burgundian nobless stood on the same footing with the townsmen and the peasantry, as contrasted with the soverain canton. Or if the reader be familiar with the history of Florence, let him imagine that the republic had united the inhabitants of the whole *distretto* into a commonalty. In this the counts Guidi and the castellans [1300] of Mugello, as opposed to the ruling estate, would not by the principles of the law stand above the houses of Pistoja or Prato, nay, above the common citizen or yeoman from the Val d' Arno. At the same time the former might notwithstanding be equal, perhaps more than equal, to the Uberti and the other proudest houses in the ruling city, even according to their own notions of nobility. As in a later age the Mamilii, who traced their pedigree from Ulysses and Circe, were admitted among the plebeian citizens; so there can be no question that the families of plebeian knights in the earliest times were the nobility of the *distretto*; that the first leaders of the plebs, the Licinii and Icilii, were no way inferior even in birth to the Quinctii and Postumii.

But it was not the splendour flowing from a few families of this sort, that gave such respectability to the Roman plebs. It was their essential character as a body of landholders, such as it is denoted by their Quiritary property. The ancients universally esteemed agriculture to be the proper business for freemen, as well as the proper school for soldiers. The countryman, says Cato, has the fewest evil thoughts. In him the old stock of the nation is preserved: while it changes in cities, where forein merchants and tradesmen settle, and the natives remove whithersoever gain lures them. In every country where slavery prevails, freedmen seek their livelihood

[1300] Cattanei.

by occupations of this kind, in which they not unfrequently grow wealthy. Thus among the ancients, as in aftertimes, such trades were mostly in the hands of this class, and were therefore thought disreputable to a citizen. Hence the opinion, that admitting the artisans to full civic rights was a hazardous measure [1301], and would transform a nation's character. The ancients had no notion of a government carried on with dignity by guilds, such as we see in the history of the towns during the middle ages: and even in them it is undeniable that the military spirit sank, as the guilds gained the upper hand of the houses, and that at last it became wholly extinct; and with it fell the character and the freedom of the towns. At this day the Italian peasants, if proprietors, are a very honest and worthy race, and infinitely preferable to the townspeople. Agriculture is their nation's true calling, as a sea-life is that of the Greeks, and even of the Neapolitans.

The Roman plebs in early ages consisted exclusively of landholders and field-labourers: and even if many of its members were reduced to poverty, and thus stript of their estates, at least it contained no one who earned his livelihood by any other employment; by commerce any more than by handicrafts [2]. It was a duty of the censorian office, and that too we may be assured even before it was entrusted to a particular magistracy, to see that none but industrious husbandmen kept their place in the tribe of their fathers. A bad farmer was

[1301] As a general principle they were excluded among the early Greeks. Corinth forms an exception, which we know of: there may have been others unknown to us; but at all events they were only exceptions.

[2] Οὐδενὶ ἐξῆν Ῥωμαίων οὔτε κάπηλον οὔτε χειροτέχνην βίον ἄγειν. Dionysius, IX. 25. The punishment can have consisted only in the censorian brand, the striking out a person's name from his tribe, as was the case with those who practist stage-playing: not that any peculiar disgrace was attacht to doing so, but because it was a civic trade.

erazed from it; much more so he who entirely deserted his vocation[1303]. Even the plebeians of the four civic tribes must be deemed to have been landholders at the first. Within the vast compass of the walls, there was room left at least for gardens and vineyards: and besides the country-citizens had houses and barns in the city.

It is true, Dionysius, who thus distinctly asserts that the plebeians were prohibited from every employment unconnected with husbandry, says in another place that Romulus assigned agriculture, pasturage, and the various money-making trades to them as their calling[4]. This however occurs in his description of the manner in which the Roman people was originally arranged by Romulus as their founder; a description transferred from that of a Roman antiquary, who understood his subject, and who represented the circumstances of times when as yet the state consisted of none but the patricians and their clients. Only the Greek writer was led astray by the delusion that the clients and the plebeians were the same body[5].

The source of this errour was evidently, that even in the eighth century a clientship was still subsisting, not only connecting the freedmen among the abovementioned city plebs with their patrons, but also many persons of good birth, who wanted wealth or favorable circumstances to aid them in their efforts to advance themselves, with a patron of their own choosing; and generally the citizens of the municipal towns with the house to the protection

[1303] Gellius, IV. 12: Si quis agrum suum — indiligenter curabat — censores aerarium faciebant.

[4] *Γεωργεῖν, καὶ κτηνοτροφεῖν, καὶ τὰς χρηματοποιοὺς ἐργάζεσθαι τέχνας.* II. 9.

[5] II. 8: *Ἐκάλει τοὺς ἐν τῇ καταδεεστέρᾳ τύχῃ Πληβείους, ὡς δ' ἂν Ἕλληνες εἴποιεν δημοτικούς.* II. 9: *Παρακαταβήκας ἔδωκε τοῖς πατρικίοις τοὺς δημοτικούς, ἐπιτρέψας ἑκάστῳ ὃν αὐτὸς ἐβούλετο νόμιον προστάτην.*

of which their native places had anciently entrusted themselves. Now this relation was no more like the ancient respectable clientship, than the city plebs of those times was like the ancient respectable commonalty. Yet the same confusion, along with the subsequent reception of the clients into the tribes by the decemvirs *, has in one instance beguiled Livy into the notion that the individual plebeians were clients of the individual patricians [1306]: although elsewhere he abounds in passages which place the difference of the two classes, nay their counterposition, in the clearest light. And Dionysius himself, deliberately as he entertained that fundamental errour, constantly makes the same distinction between them in his running narrative, because the genuine expressions of the Annals were lying before him.

Similar accounts are followed by Livy, when he relates that, on occasion of a violent dispute between the two orders, the commonalty withdrew entirely from the election of consuls, and that it was held by the patricians and their clients alone [7]. It is possible that this may be a misrepresentation of an election taken entirely away from the centuries: if so, it arose from a recollection how the affair was managed on a more recent occasion, when the plebs retired in despair from the comitia [8]. He further relates, that, before the trial of Coriolanus, the patricians, seeing that the whole plebs was infuriated, sent their clients round to dissuade the individual plebeians, or to intimidate them [9]; that after the banishment

* See the text to note 728, Vol. II.

[1306] VI. 18: Quot clientes circa singulos fuistis patronos.

[7] II. 64: Irata plebs interesse consularibus comitiis noluit. Per patres clientesque patrum consules creati: that is, by the curies, and by the centuries without the plebs.

[8] Because the Licinian law was about to be violated,—plebis eo dolor erupit ut tribunos—vociferantes relinquendum campum—moesta plebs sequeretur. Consules, relicti a parte populi, per infrequentiam comitia nihilo segnius perficiunt: Livy, VII. 18.

[9] II 35: Infensa erat coorta plebs—Tentata res est, si, dispositis

of Cæso Quinctius they appeared in the Forum with a great band of clients, at open war with the plebs [1310]; that, when Ap. Herdonius had seized the Capitol, the tribunes wanted to hold a council of the plebs, telling them that the occupiers of the citadel were not strangers, but allies and clients of the patricians, let in to terrify the commonalty into taking the oath of military allegiance [11]: and he explains the purport of the Publilian law to have been, that, the tribunes being appointed by the tribes, the patricians should altogether lose the power of getting their partisans elected by the votes of the clients [12].

To the same effect Dionysius tells us, that, when the plebs had deserted the city, the patricians and their clients took up arms [13]. He says it was proposed to the senate during the secession of the plebs, and again when the plebeians refused to serve, and again was decreed on a like occasion, that the patricians should march out along with their clients, and with such plebeians as would join them [14]. He extolls the plebeians, because during the

clientibus, absterrendo singulos—disjicere rem possent. Universi deinde processere—precibus plebem exposcentes.

[1310] III. 14: Instructi paratique (juniores patrum) cum ingenti clientium exercitu sic tribunos, ubi primum submoventes causam praebuere, adorti sunt etc.

[11] III. 16: Tantus tribunos furor tenuit, ut—contenderent patriciorum hospites clientesque—(Capitolium insedisse):—concilium inde legi perferendae habere.

[12] II. 56: Rogationem tulit—ut plebeii magistratus tributis comitiis fierent—res—quae patriciis omnem potestatem per clientium suffragia creandi quos vellent tribunos auferret.

[13] VI. 47: Ἁρπάσαντες τὰ ὅπλα, σὺν τοῖς οἰκείοις ἕκαστοι πελάταις—παρεβοήθουν.

[14] VI. 63: Αὐτοί τε χωρῶμεν—καὶ τοὺς πελάτας ἅπαντας ἐπαγώμεθα, καὶ τοῦ δημοτικοῦ τὸ περιόν. VII. 19: Ἐκ τῶν πατρικίων ἐθελονταί τινες κατεγράφησαν ἅμα τοῖς πελάταις καὶ αὐτοῖς—ὀλίγον τι ἀπὸ τοῦ δήμου μέρος συνεστράτευεν. X. 15: Αὐτοὺς ἔφη τοὺς πατρικίους ἑαυτῶν σώμασι καὶ τῶν συνόντων αὐτοῖς πελατῶν ὁπλισαμένους, καὶ εἴτι ἄλλο πλῆθος ἐθελούσιον αὐτοῖς συνάρηται. X. 27: Ἐὰν μὴ

famine and the dissensions, instead of plundering the granaries and the market, they ate grass and roots; and the patricians, because they did not fall with their own forces and the great body of their clients on the strengthless starving multitude, and slay them or drive them out of the city [1315]. And he relates, just as Livy does in one of the passages quoted above, that the patricians appeared in the Forum with their clients, in order to prevent the council of the plebs from assembling, or to disperse it by force [16].

These express and numerous testimonies have been overlookt, on account of a statement which is palpably erroneous. Yet surely many must have been struck by them as perplexing: and without doubt so were the historians themselves. But when they wrote, the only real division of the citizens was into the rich and the poor. The needy, however noble their lineage might be, had to court a protector: and he who had his million, even though he were a freedman, was courted as a protector. As to a relation of hereditary dependence, they could

πείθηται ὁ δῆμος τοὺς πατρικίους ἅμα τοῖς πελάταις καθοπλισαμένους, τῶν τ' ἄλλων πολιτῶν παραλαβόντας οἷς ἦν ἑκούσιον συνάρασθαι τοῦ—ἀγῶνος X. 43: *Ἡ βουλὴ γνώμην ἀπεδείξατο, τοὺς πατρικίους—ἐξιέναι σὺν τοῖς ἑαυτῶν πελάταις, τῶν δ' ἄλλων πολιτῶν τοῖς βουλομένοις μετέχειν τῆς στρατείας—ὅσια εἶναι τὰ πρὸς θεούς.*

[1315] VII 18: *Τῇ τ' οἰκείᾳ δυνάμει καὶ τῇ παρὰ τῶν πελατῶν πολλῇ οὔσῃ.* In this story the estates appear mostly as the rich and poor, *πλούσιοι* and *πένητες*· owing to the historian's perverted notion of the demus. Still he often expressly mentions the patricians and the *δημοτικοί*, with the tribunes at their head.

[16] IX. 41: *Καθ' ἑταιρείας—ἅμα τοῖς ἑαυτῶν πελάταις, οὐκ ὀλίγοις οὖσι, πολλὰ μέρη τῆς ἀγορᾶς κατεῖχον.* X. 40: A decree of the plebs is to be stopt by force, *ἐὰν μὴ πείθωσι τὸν δῆμον.* The patricians are to come betimes into the Forum, *ἅμα τοῖς ἑταίροις τε καὶ πελάταις,* and to scatter themselves about so as to separate the *δημοτικόν.* Now when *ὁ δῆμος ἀπῄτει τοὺς ψήφους—διίστασθαι βουλομένοις κατὰ φυλὰς τοῖς δημόταις ἐμποδὼν ἐγίνοντο.* 41. To the same effect is the proposition of M. Valerius, in VII. 54.

hardly find any traces of such: their readers, since the revival of philology, have known of nothing of the kind: and thus it was impossible for them to form any other conception of the plebs, than that, as opposed to the nobility, it was a body of town-citizens, among whom the nobles had adherents and dependents, under the name of clients, a relation however merely springing out of personal wants, and terminating with them.

Nevertheless, though there was no contemporary example to throw light on the obscurity of the ancient term, the descriptions of the nature of the clientship might still have been sufficient to shew, that the plebs, such as it appears in history, must essentially and necessarily have been far removed from any relation of the kind. Would not the maltreatment and oppression endured by the commonalty have been incredible in a state of clientship? when the patron was directed to protect his clients, and to promote their welfare, even against his own nearest kin. Could the clients ever have been in want of any other protection than that of their patrons? could they have needed that of the tribunes against any one whomsoever? And how could decrees have been past in the assemblies, as they were afterward, adverse to the interests of the patricians, when these were the concern of every individual patron? Their clients, if they had thus injured them, would have become outlaws.

The surprising thing is, not that the clients were a totally different body from the plebeians; not that, as follows from what Livy says about the consequences of the Publilian law, they were not included in the tribes; but rather his express testimony that they had votes in the comitia of the centuries, even before the decemvirate [1317]. But for this we should look upon them as

[1317] Because the transfer of the election to the tribes was to destroy the influence which the patricians exercised through the *suffragia clientium*: see note 1312.

sojourners, like those in Greece, destitute of all political rights, and who could not even maintain their civil rights, except in the person of their patron and sponsor. But there is no force in analogy, when opposed to such a direct assertion. Only this certainly does not compell us to assume that all the clients were erarian citizens, and that no part of them were metics in the Greek sense; although I apprehend that no mention of any such is to be found. It is surely incredible that Rome threw open even her lowest franchise so wide, that every foreiner on attaching himself to a patron might acquire it. What then would have been the advantage of the isopolites? Just as little can we suppose that foreiners, before a pretor for them was establisht[1318], could come into court in their own persons[19]. Such foreiners settled at Rome were complete metics: and I conjecture that a part of the freedmen were in a similar condition. It looks so very unlike the early ages, that there should have been two forms for the selfsame purpose, and the distinction between them might so easily be lost, that I cannot persuade myself that a slave who was set free by the *vindicta*, gained the same degree of freedom as one by the census[20]. By being registered in the census the Italians

[1318] This measure was a political change of the highest importance. What led to it was not the too great pressure of the pretor's business,—to which for example the institution of the vice-chancellor's office in England has been owing,—but the alarm excited by the clients of the grandees, with whose patronage the members of the Italian confederacy might now dispense. The patron who came forward, was the mask without which the client was not allowed to appear.

[19] Hence, long after the clientship in its genuine form had ceast to exist, the person who came before the court in any particular case was called *patronus*.

[20] Both these rights are traced back to the oldest times; by stories personifying them; the former to the release of the slave who disclosed the conspiracy of the Tarquins; the latter to Servius Tullius. This doubtless was the sole reason why his memory was especially

might acquire the franchise of citizens. But a person who was to have the same power as they had of exercising this great privilege, must surely have been free already. This, and no more, I conceive, did the slave become by the *vindicta*: and even by the census, before the censorship of Appius the Blind, he merely obtained the rights of an erarian [121]. In both stages, as merely free, and as a Roman citizen, he was still a client of the master who had releast him: in the former he would only have the rights of a metic.

Freedmen and their posterity probably made up the main part of the clients: and among these the race of the original ones, such as they were in the time of Romulus, would in great measure be merged. Among the metics and erarians were the artisans: if a plebeian gave up husbandry, he sank to the franchise to which these were confined. They too were not without the honour of corporations sanctioned by law; and their guilds were in such high estimation that Numa was said to have been their founder. There were nine of them; pipers, goldsmiths, carpenters, dyers, curriers, tanners, coppersmiths, potters, and a ninth guild common to the other trades [22]. This part of the state never received that full development, which, as the guilds were connected with the centuries by means of the carpenters, the trumpeters, and the hornblowers, in the same way as the patricians were by the six suffragia, was no doubt designed for it.

Those among them who were independent pale-burghers, — isopolites who had not bound themselves to any patron, (if such a class existed,) and the descendants of clients whose ties had dropt off when the house of their

venerated by slaves; though that circumstance was made use of to confirm the fable of his birth, and was referred to his name.

[121] Plutarch, Publicol. c. 7.

[22] Plutarch, Numa, c. 17. Again three times three. How remarkable is the contrast with the ancient and great guilds at Florence!

patrons became extinct,—were unquestionably as entire strangers to the dissensions between the ancient burghers and the commonalty, as the members of the Florentine guilds were to the feuds among the houses of the Guelphs and Ghibellines. As a body, the clients were probably still subject to the orders of the patricians.

THE SECESSION OF THE COMMONALTY, AND THE TRIBUNES OF THE PEOPLE.

In this divided state of the nation, the preponderance of numbers may not have been so entirely on the side of the plebeians, as will probably be supposed by every one, even by such as have thoroughly got rid of the delusive notion that the patricians of those ages are to be regarded as a nobless; a class which in fact was to be found within both the estates. Had the superiority of the plebeians been so great, as to leave no doubt that the issue of a contest with arms, since matters had unhappily gone so far, would be in their favour, they would never have contented themselves with a compact which merely gave them back a part of the rights they had been robbed of. And yet the commonalty, if it stood together as one man, was evidently so strong, that their opponents betrayed the utmost infatuation, when, instead of endeavouring to separate the various classes which composed it, they wronged and outraged them all at once; the noble and rich, by withholding public offices from them; such of the gentry as without personal ambition were attacht as honest men to the well-being of their class, by destroying its common rights and privileges; the personal honour of both, by the indignities to which such as stood nearest to the ruling party were the most frequently exposed, and by which men of good birth are the most keenly wounded; every one who wanted to borrow money, and all the indigent, by the abominable system of pledging the person and of slavery for debt;

in fine high and low, by excluding them from the public domains, where many, who had been stript of their property by the loss of the territory beyond the Tiber, might have found a home. The Valerian laws may not have been repealed: the twenty tribunes, such as they then were, may have had the right of snatching a person, condemned to servile corporal punishments, from the gaoler, and bringing him before the court of the commonalty, which, as it could not assemble pell-mell, they would have to summon. But wo to him who durst do so against Appius Claudius!

When he and P. Servilius were consuls, in the year 259, a spark set fire to the inflammable matter which had thus been accumulated. An old man, who had escaped from his creditor's prison, in squalid rags, pale and famishing, with haggard beard and hair, implored in agony the help of the Quirites. A crowd gathered round him. He shewed them the bloody marks of his inhuman treatment. He told them that, after he had fought in eight and twenty battles[132S], his house and farmyard had been plundered and burnt by the enemy; the famine during the Etruscan war had compelled him to sell his all[24]; he had been forced to borrow; his debt through usury had run up to many times its original amount; whereupon his creditor had obtained judgement against him and his two sons, and had laid them in chains. Disfigured as his features were, many recognized him to be a brave captain. Compassion, indignation, spread an uprore through the whole city. All who were pledged, and all who had redeemed

[132S] Dionysius, VI. 26. This looks very like a historical statement; and yet it is nothing more than another way of dressing up what Dionysius says in the preceding clause, that he had served all his campaigns. See p. 447.

[24] I suspect that in the original representation he belonged to one of the ten lost tribes. The whole story reminds us, and is a mere duplicate, of the one about the old soldier whom M. Manlius releases: Livy, VI. 14.

their pledges, flockt together; and all were clamorous for relief of the general distress.

The senate knew not how to act. The people spurned the summons to enlist in the legions, which, with a view of diverting the storm, were to be levied against the Volscians. These and the Sabines are mentioned as the nations Rome was then at war with; for with the Etruscans and Latins she was at peace. Compulsion was impossible. But when P. Servilius issued a proclamation, that no person in slavery for debt should be hindered, if he were willing to serve; and that, so long as a soldier was under arms, his children should remain at liberty, untoucht and in possession of their father's property [1325]; then all who were pledged took the military oath. After a few days the consul, at the head of a victorious army, rich in glory and booty, the conqueror of the Volscians or Auruncians and of the Sabines, marcht back to Rome. But the commonalty was bitterly deceived in its hopes that its oppression might be alleviated.

A great deal was said in the Annals of the way in which Appius Claudius, from the beginning of the disturbances, opposed every measure of humane and wise forbearance, and throughout their whole continuance persisted in the same obstinacy. This probably came from the family commentaries of the Claudii, who, priding themselves on their hatred of the people, as the Valerii did on their hereditary love of the people, portrayed their ancestor with the characteristic features of their house: not that any historical accounts of him had been preserved. That house during the course of centuries produced several very eminent, few great men; hardly, down to the time when it became extinct, a single

[1325] This again seems to be nothing more or less than an account, in a historical form, of the origin of the *justitium*, which most probably produced this very effect.

nobleminded one. In all ages it distinguisht itself alike by a spirit of haughty defiance, by disdain for the laws, and iron hardness of heart. They were tyrants by nature, and now and then dangerous demagogues. Tiberius was not more odious than the earlier Claudii. Their character is visible in the story, that such as had been slaves for debt were sent back to their prisons by Appius Claudius on their return from the field, and that such as were pledged were consigned by him without mercy to their creditors. But these sentences could not be executed: for the plebeians were in open insurrection. They protected all who were condemned: and the usurers who had obtained those detested judgements, the young patricians, who in their zeal were lending a helping hand to the officers of the court, could hardly save themselves from their fury. Thus the year past away[1326].

The next year, when the military season arrived, the consuls, A. Virginius and T. Vetusius, found it impossible to raise legions. The commonalty, assembling by night and secretly in the quarters inhabited exclusively by the plebeians, on the Aventine and the Esquiline, was immovable in its determination not to supply any soldiers: and the entreaties for lenity, with which they had begun, now grew into a demand that all debts should be canceled. The ferment was so violent, that the more mildly disposed among the patricians recommended the purchase of peace, even at this price. Others trusted it would subside on the restoration of their liberty and property

[1326] During this consulship it is said that the temple of Mercury was dedicated, an event connected with the institution of a guild of merchants; and that on this occasion an inspector of the corntrade was first appointed by the people. This magistracy was probably renewed every year, until the business was transferred to the ediles, who at first had nothing to do with it. If the election rested with the populus, as Livy tells us (II. 27), it is hard to understand how a centurion, M. Lætorius, that is, a plebeian, should be the first person who held this office.

to those who in the hope of regaining them had marcht the year before against the enemy. Appius insisted on severity: *The beggars*, he said, *are still too well off: their insolence ought to be quelled: a dictator will soon do it.* His friends would have placed him in this office: but the milder [1327] party prevailed in the election: and the measure by which its proposer intended to dare everything and risk everything, became the means of a reconciliation through the appointment of Marcus Valerius [28]. By a proclamation, like the one issued by Servilius, he engaged the plebeians to enlist. For they trusted in the power of the dictatorship, and in the word of a Valerius. Ten legions were raised [29], and three armies sent, against the Sabines, the Æquians, and the Volscians. Everywhere the Romans were favoured by victory, more rapid and more brilliant than the senate wisht it [30]. The dictator was rewarded with distinguisht honours, but not with

[1327] The *Harten* and the *Linden* were the names of the parties in Appenzell during the last century.

[28] Marcus he is called by Cicero, Zonaras, Livy: that is, by his manuscripts, in unison with Orosius; Manius by Dionysius and the Triumphal Fasti. Yet even in Dionysius, who places the beginning of the dissensions some years further back, the Valerius who at that time is well affected toward the poor, and who assuredly was meant for the dictator, is named Marcus: v. 64. I have already explained the corruption, above p. 539, n 1198, 1199. Sigonius altered the text in Livy, supporting himself by the authority of those who in earlier times had allowed themselves to garble the truth, for the sake of getting rid of contradictions: in this way Livy has been disfigured. Whoever does not distrust the completeness of the Fasti, must prefer Marcus, were it only because he had been consul; which no Manius had.

[29] Here there is a most glaring exaggeration: at the Allia the Romans had only four regular legions.

[30] In speaking of this war the two historians invert the usual proportion between their narratives. The copious one in Livy infers that in the old representations the exploits of the plebs, and consequently the unworthy conduct of their rulers, were set in a prominent light.

the release of the debtors from slavery, which, true to his word, he demanded. Thereupon he laid down his office, the power of which would have been a dangerous temptation to put down the scandalous abuse of a formal right with a strong hand. The plebeians themselves owned that he could not do more to keep his faith, and full of gratitude conducted him from the Forum to his house.

The dictator's army, of four legions, had been disbanded after his triumph: but those of the consuls were still in the field [1331]. Under the pretext that a renewal of hostilities was impending, they were commanded to remain under arms. Hereupon the insurrection broke out. The army appointed L. Sicinius Bellutus its leader, crost the Anio, and occupied a strong camp on the Sacred

[1331] Although the words of Dionysius—τοῖς ὑπάτοις ἐπέταξε μήπω λύειν τὰ στρατεύματα (VI. 45)—seem distinctly to express as much, yet elsewhere he follows an account by which the insurgents were only one of the consular armies. This in those days is said to have contained three legions: and when the tribune Brutus asserts that the emigrants were more than thrice as numerous as the Alban colony of Romulus (VI. 80), this is because every legion at that time, the tribes being twenty, had five cohorts and 3000 men; which is the number assigned to the Romulean colony: and Dionysius fancied that the seceders had been strengthened by new-comers from the city. So that in the passage,—τῶν γὰρ ἱερῶν ταγμάτων ἔτι κύριος ἦν (ἡ βουλή), VI. 45,—which is certainly corrupt, we ought probably to substitute τριῶν. Livy's account too, that the dictator brought forward his proposition in the senate after the return of the consul Vetusius, implies that only the three legions of the other consul were still in the field. It is true that on another occasion Dionysius imagines there were six legions: for this is all he means, when he makes Appius say that the emigrants were not so much as a seventh part of the 130000 Romans in the census (VI. 63); in other words, did not amount to 18600. That is to say, six legions on the abovementioned scale consist of 18000 foot-soldiers: the cavalry, according to the views taken by Dionysius, are entirely left out of the account. This statement for a long time rather dazzled than deceived me by its delusive historical look. It is worth while to observe how this too, when critically examined, disappears.

Mount, in the Crustumine district[1332]. The consuls and the patricians returned to Rome without injury or insult.

Many of the narratives in the earliest history of Rome betray their fabulous nature by the contradictions and impossibilities they involve. There are none such in the account of the first Secession, as given by Livy, and much more fully by Dionysius. Nor can we pronounce it to be quite impossible that a recollection of the various parties which divided the senate, and of their spokesmen, should have been preserved; although unquestionably there were no traces of it in the oldest Annals. And yet the internal connexion here merely proves the intelligence of the annalist who drew up the story now adopted; as is clear from the irreconcilable contradictions between it and other stories, which at one time were no less in vogue. Cicero, who everywhere follows totally different Annals from Livy, speaks of the negociation of the dictator M. Valerius with the seceders, as of an undoubted fact; and attributes the glory of having effected the peace to him: for which reason, and not for any victories, the surname of Maximus and the most splendid honours were bestowed on him[33]. A fragment of the same story is discernible in what Livy himself mentions, in a passage far removed from the history of these times; namely, that the nail was once driven in by a dictator during the Secession of the commonalty[34]: for at the second Secession

[1332] Hence this Secession was also called the Crustumerine: Varro, de L. L. IV. 14, p. 24. The Sacred Mount had its name from being consecrated to Jupiter by the plebeians when they were leaving their camp: Festus, v. Sacer Mons: Cicero, Fragm. pro Corn.

[33] Brutus, 14 (54): Videmus—cum plebes—montem, qui Sacer appellatus est, occupavisset, M. Valerium dictatorem dicendo sedavisse discordias etc.

[34] VIII. 18: Memoria—repetita, in secessionibus quondam plebis clavum ab dictatore fixum. This seems to be founded on the historical fact that the consular year expired before the election of the new magistrates, and that Valerius was dictator in the middle of September.

no dictator could be appointed. The variations as to the number and names of the first tribunes of the people will be noticed further down. Lastly, all the Annals were not agreed even on the point that the army took its station quietly on the Sacred Mount, and obtained its end without violence. Piso, as Livy tells us, wrote that the plebs occupied the Aventine: Cicero says, first the Sacred Mount, then the Aventine[1335]: so does Sallust[36]: and when Cicero makes the enemy of the tribunate assert that it originated during a civil war, while the strong posts in the city were seized and held by armed men[37], he refers to the same story. Piso himself perhaps did not deny the encampment on the Sacred Mount. Indeed it is utterly inconceivable that the commonalty should not have placed some troops to maintain their strong quarters in the city: else the women and the helpless must have fled, or would have been seized as hostages. Nor is it improbable that their doing so gave rise to the story of the meetings on the Aventine and the Esquiline before the insurrection. To these hills then such plebeians as dwelt scattered about the city retreated. On the Sacred Mount the legions encampt, and may have been joined by volunteers from the country round. Here were the leaders; and here the treaty was negociated.

Nor would the patricians have been able to keep this army out of the city, where the gates of the plebeian hills stood open to it. But every one of the seven was a fort[38]: and thus the Palatine, Quirinal, and Cælian were no less defensible than the Capitol. These then were occupied by armed men, just as the Aventine was

[1335] De Re p. II. 33.

[36] Fragm. Hist. I. p. 935: Plebes—armata montem Sacrum atque Aventinum insedit.

[37] De Legib. III. 8 (19): Inter arma civium, et occupatis et obsessis urbis locis procreatum.

[38] Septemque una sibi muro circumdedit *arces*. Dionysius often speaks of the strong posts in the city, τὰ ἐρυμνὰ τῆς πόλεως.

by the opposite party: and matters might have come, even without reaching the same pitch of violence as at Florence, to battles in the heart of the city; in the Forum, the Velabrum, the Subura. As the plebeians were far from being that common populace, which makes up much the largest part of the inhabitants of most towns, so Rome too was far from empty. Thousands beyond doubt had come in from the country; where we cannot suppose that the patricians and their clients would be able to maintain their ground.

That the patrician houses could muster thousands capable of bearing arms, may be inferred from the example of the great German and Italian cities; out of which the burghers could send fifteen-hundred cavaliers, and even more, completely armed into the field. The descendants of those who at one time formed the whole Roman nation, must still have been a large body: and the general fact, that the members of the houses were very numerous, is one on which such traditions as give any statements bearing upon it speak clearly enough. Not that I would consider it as a historical assertion, that the Potitii about the year 440 counted twelve families and thirty grown-up men*: numbers of this sort occurring in the narratives from the priestly books are just as much matter of form as the well-known names in the lawbooks. As to the three hundred Fabii, they stand on no surer ground than the three hundred thousand barbarians under Mardonius: or their wives and children are included. Still less will the story of their four thousand clients, and the five thousand of the Claudian house, authorize us to draw any historical conclusion as to the number of dependents the patricians had under their orders. Yet a general acquaintance with the state of things might enable the annalists to relate, without danger of errour, though without any definite traditions,

* Livy, IX. 29.

that the patricians and their clients took up arms immediately after the secession, and that the headstrong adversaries of peace were so utterly infatuated, as to dream that they were powerful enough to contend at once with the commonalty and with forein enemies[1339]. But with the same correctness they added, that the clients were artisans and tradesmen[40]; a multitude which sent no soldiers to the legions, and which, being unused to arms, could not make head in the field against a peasantry enured to war.

This partition of its forces saved Rome. There was no ground for dreading a massacre like that at Corcyra: for the nation was not split into a few hundred rich men of rank on the one side, and thousands of prŭletarians standing in direct opposition to them, whose victory could not have been doubtful for an instant, when once they should rebell. If hunger did not reduce the patricians, the attempt to force their quarters would have cost torrents of blood, and the result must at least have been uncertain. The victors too, standing amid the ruins, between two conquering nations, the Etruscans and the Volscians, would not have had to exult long in their unblest triumph. If the quarrel however had been prolonged, after the appeal to arms, the patricians, possessing the incalculable advantage of being the government, would perhaps have had time and means to sow division among their opponents, and certainly to strengthen themselves by alliances. The annalist, from whom Dionysius took the advice he put into the speech of Appius, that, instead of the insurgents, the citizens of the colonies should be invited to receive the rights of the plebeians[41],

[1339] Two of the leading passages from Dionysius,—VI. 47, and 63, —have been inserted above, in notes 1313, 1314.

[40] Θῆτες, καὶ πελάται, καὶ χειρώνακτες. Dionysius, VI. 51. The vulgus forense—opificum—sellulariorum.

[41] VI. 63: Τοὺς ἐκ τῶν φρουρίων μεταπεμπώμεθα, καὶ τοὺς ἐν ταῖς ἀποικίαις ἀνακαλῶμεν. These are the Romulean colonies which

and that the isopolite franchise should be conferred on the Latins, had formed an admirable conception of the ancient state of things, or had weighed the laws and documents preserved from that time with a perfect knowledge of their spirit. The explanation of the Latin confederacy must be postponed to the next volume, in order that the bulk of the present may not swell out of all proportion. However, this being necessary, I will here introduce the remark, that the treaty with the Latins, which recognized their equality as a state, was made in the year of the Secession: and if an inference from the end to the means be anywhere allowable, there cannot be a question that it was aimed against the plebs, and that the conclusion of peace was decided by it *.

Livy's good sense taught him that this distracted state of the nation cannot have lasted many days. The Volscians and Æquians would not have been motionless spectators, waiting to take up arms, or to sustain an attack, until the Romans were reconciled and ready for war. The notion of Dionysius, that four months past in this way, may be easily shewn to rest on a deduction which is good for nothing [1342]. I do not indeed set much value on the story, that the seceders neither destroyed nor ravaged anything on the estates of their enemies, and merely took the bread necessary for their sustenance. It belongs to the legends of the marvels wrought of yore by virtues no longer to be found: but when extended to

had the Cærite franchise: the colonists, that is, those of the ruling tribe, he calls φρουρά: II. 53. See also VII. 53.

* See the text to note 20, Vol. II.

[1342] It was assumed that the first tribunes were chosen on the twelfth of December (Dionysius, VI. 89): which however can only have been the day of election at the restoration of the office after the decemvirate, and thenceforward. This was combined with the breaking out of the insurrection under the consulship of Virginius and Vetusius, and also, it may be conjectured, with the dictatorship of M. Valerius on the ides of September.

such a period it becomes a monstrous exaggeration. If the open war however between the two estates was short, it is conceivable that the commanders had wisdom and influence enough to restrain their followers from acts of violence, which would have obstructed a reconciliation.

The election of the new consuls was carried on by the populus; because the centuries, in the absence of the commonalty, could not be assembled. The right of a free choice among the candidates for the office had only been secured by the Valerian law to the regular comitia: the curies were restricted to voting on resolutions of the senate: and from the same reasons, for which none but consulars were to be eligible to the dictatorship, those who were proposed on this occasion, were men who, having before been freely elected, had borne the consulate with honour[1343]. But though the design even then without doubt was to maintain this advantage, the legal mode of election must have been reestablisht after the peace: and it was not till several years after that under more favorable circumstances a more decided attempt at this usurpation could be hazarded, when for a time it was successful.

Thus much may be considered as historical, that the proposal for an arrangement proceeded from the patricians. Their great council[44] empowered the senate to negociate:

[1343] Dionysius, VI. 49: Ὁ δὲ δῆμος, ἐπειδὴ παρῆν ὁ χρόνος ἐν ᾧ τὰς ἀρχὰς ἐπικυροῦν (auctores fieri) ἔδει, συνελθόντες εἰς τὸ πέδιον (this is his usual errour, by which to the comitia of the plebs in the Forum he opposes those of the centuries in the Campus as an aristocratical assembly, instead of the council of the curies), οὐδενὸς οὔτε μετιόντος τὴν ὑπατείαν, οὔτε διδομένην ὑπομένοντος λαβεῖν, αὐτὸς ἀποδείκνυσιν ὑπάτους ἐκ τῶν ἤδη εἰληφότων ἀρχὴν ταύτην. In my account I have translated this back again into that which Dionysius read, but did not understand, and which was an unequivocal tradition from extremely accurate and authentic notices.

[44] This assembly,—the mention of which shews how carefully the Annals here copied the books of the augurs and pontiffs in representing the whole procedure according to the forms of the

and the latter sent the ten chiefs[1345] of its body on an embassy to the commonalty, as to a victorious foe. The compact between the two estates, — for the ambiguous word *patres* must here be referred, as it must generally in Livy's earlier books, to the patricians, not to the senate, — was confirmed by a solemn treaty concluded by the fecials over the body of a victim: and all the Romans swore to observe it.

The terms of this act are very different from what one should look for, when the state of affairs was such, that the destruction of the patricians, although it would certainly have entailed that of the state, still appeared to be the more probable issue of a civil war. Being reduced to choose between present sacrifices to be made by individuals, and permanent ones by the order, the leaders of the senate decided with signal aristocratical wisdom. As

constitution,—reduces Dionysius (VI. 67) to great straits; because he cannot conceive any *ecclesia*, except that of the demus. It was the assembly however which by the original constitution had to decide in questions of peace and war (VI. 66), consequently that of the curies. How indeed should the senate have had the power of surrendering the rights of the estate by its own authority? To suppose that it was a plebeian assembly is absurd, as in fact the sagacious writer very clearly perceives. Nor could it be the mixt one of the centuries: for this could only collect on the field of Mars; whereas here the Vulcanal (τὸ ἱερὸν τοῦ Ἡφαίστου) is expressly mentioned as the place of meeting. That temple lay above the Comitium (the passages to prove this are collected by Nardini, I. p. 272; who however mistakes the Comitium and its locality), on the lower edge of the Palatine, and was considered a part of the Comitium, the very place where the patricians held their assemblies. See p. 543, note 1205.

[1345] The list of their names in Dionysius (VI. 69) is very probably authentic. That these ten were the *decem primi* is proved by the words just before, οἱ ἐπιφανέστατοι τῶν πρεσβυτέρων, that is, of the *gentes majores*, and by the passage quoted above in note 784. Even though they were not aware of this, the editors ought not to have filled up the list by inserting the name of Sp. Nautius, of whom Dionysius had just said expressly that he was the first among the νέοι.

they had contrived to gain the Latins by entering into a confederacy with them, with like policy they detacht the cause of the multitude from the interests of the men of rank in the second estate, who, when deserted by the lower orders, became powerless. The plebs neither gained the consulate, nor any other honours[1346]: the rights of the patricians were not altered: all that was done was to give force to the Valerian laws. On the other hand, although Livy says nothing of any stipulations in behalf of the debtors, yet, as their distress was the source of the commotion, and the insurgents could not yield on this point without abandoning themselves, we cannot hesitate to believe the account in Dionysius, that all the contracts of the insolvent debtors were canceled, and that all who had incurred slavery, by forfeiting their pledges, or not paying their fines, recovered their freedom[47].

But here too the sacrifice made was only for the moment: for the patricians managed to prevent any change in the law of debt. Without doubt its abolition was demanded: and if Agrippa's purpose was to convince the plebeians that they themselves could not dispense with money-dealings, nor consequently with severe laws to protect them, we discern the bearings of his fable*, which cannot possibly be made applicable to the political state of things. The belly was a type of the capitalists: in

[1346] Were there not reason to suspect that every story, which redounds to the honour of a Valerius, is apocryphal and derived from Antias, it might look as if the admission of four hundred rich plebeians into the equestrian order, attributed to the dictator M. Valerius (Dionysius, VI. 44), ought to be referred to the treaty between the estates; and to be regarded as a politic device for separating the leading plebeian notables from the rest of their order.

[47] Dionysius, VI. 83. What is found in Zonaras, VII. 14, amounts to the same thing; and they are supported by Cicero's whole view of these events, as to the necessity of violating the letter of the law: De Re p. II. 34.

* This is the way Dion seems to have understood it. *Τούτοις τοῖς λόγοις τὸ πλῆθος συνῆκεν, ὡς αἱ τῶν εὐπόρων οὐσίαι καὶ τοῖς*

their capacity of governors the patricians would have been entitled to a less ignoble symbol.

With regard to the canceling the debts Cicero pronounces, that there was certainly some reason in the measures taken by statesmen of old to relieve the general distress brought on by the excessive pressure of debts, as had been done even by Solon, and several times by the Romans[1348]. Ten years after indeed he thought otherwise, and peremptorily condemned all such violent extremities[49]: for in the interval he had been a witness of ruinous acts of arbitrary power, committed by the victorious party whom he abhorred. This question is one of those, on which assuredly no inconsistency is betrayed by a change of opinion, owing to fresh experience, and in a different state of things. If a person approves of Sully's diminishing the interest payable to the public creditors, who were swallowing up the revenues of the state, and of his deducting the usurious profit they had long enjoyed from the principal; if he is aware how lowering the interest, or the capital of its debt, or the standard of its currency, has been the only means whereby more than one state has been able to save itself from the condition, in which the whole produce of the ground and of labour would have fallen into the hands of the fundholders[50]; if he knows how speedily

πένησιν εἰσὶν εἰς ὠφελείαν. καὶ εἰ κἀκεῖνοι ὠφελοῦντο ἐκ δανεισμάτων, οὐκ εἰς βλάβην τοῦτο τῶν πολλῶν ἀποβαίνει, ὡς εἴ γε μὴ ἔχοιεν οἱ πλουτοῦντες, οὐδ' οἱ πένητες ἂν ἐν καιροῖς ἀναγκαίοις ἔξουσι τοὺς δανείσοντας, καὶ ἀπολοῦνται: Zonaras, VII. 14.

[1348] Several times unquestionably; and in Cicero's youth by the law of L. Valerius Flaccus, a patrician. So greatly were circumstances changed.

[49] De Officiis, II. 22.

[50] So that a bankruptcy must still have taken place in the end. A state which sacrifices its tax-payers to the public creditors, may be said *propter vitam vivendi perdere causas*. Hume and Burke have declared that this idolatry of the national debt is worshiping Moloch.

and easily wounds sustained by this class in their property heal; if he considers this, when reviewing the history of the states of antiquity, which were drained by private usury, he will be favorable to measures which tend to preserve hereditary property and personal freedom, as Solon was. That any assignment of the public domains to the plebeians was agreed to, is exceedingly improbable [1351].

Whatever may have been granted to the debtors, all traces of it had vanisht in a few years. The good effected was soon done away, Rome for a long time being visited by misfortune after misfortune. But the measures taken to quiet the internal dissensions gave birth to an institution, of a nature wholly peculiar, dangerous only as great intellectual powers and animal spirits are dangerous, which spread the majesty and the empire of the Roman people, and preserved the republic from revolutions and from tyranny; I mean the tribunate.

Little as the earl of Leicester foreboded, when he summoned the deputies of the knights and commons to the parliament of the barons, that this was the beginning of an assembly, which was at one time virtually to possess the supreme authority in the kingdom; just as little did the plebeians on the Sacred Mount foresee, when they obtained the inviolability of their magistrates, that the tribunate would raise itself by degrees to a preponderating, and then to an unlimited power in the republic,

Happy the times when one cannot have to talk of such extreme cures, the produce of all property and of labour having increast in the same, nay in a greater, proportion than the demands of the state, and when the fundholder is rather conducive to its prosperity! But such times are a bounteous gift of fortune, which will hardly be enjoyed again for many ages, in the same way as by Germany before the thirty-years war, and before the revolution.

[1351] In Dionysius (VI. 44) M. Valerius says he had excited the indignation of the patricians by a measure of this kind. See note 1346.

and that the possession of it would be sufficient, and in point of form indispensable, to lay the foundation of monarchal supremacy. Its sole purpose was to afford protection against any abuse of the consul's authority[1382]; to uphold the Valerian laws, which promist the plebeians that their life and person should be secure against arbitrary force. The only innovation consisted in making the tribunes inviolable: which induces us to suspect that, when the tribunes before this came forward in behalf of such as were maltreated, they had themselves lost their lives or suffered insult: and hence we might wonder that this clause should have been of any avail. It became so, because an offender, however powerful, was outlawed by it; so that no one who should kill him could be brought to trial under any pretext for such an act: and the criminal's house was forfeit to the temple of Ceres[83]. From the nature of his office as a public guardian, the tribune's house was kept open night and day for all who called to him for succour: and this he had the power of bestowing against every one, whosoever it might be; whether against violence and wrong done by a private individual, or against a magistrate.

That the tribunes of the several tribes must already have had the right of bringing forward propositions, each before his own tribe, is a matter of course: and supposing that, whether by election or tacit agreement, one out of every ten was chosen to preside over the whole order, these officers, though not yet inviolable, must needs have been entitled to bring similar propositions before the general assembly of the commonalty. Here again however it is mentioned on a specific occasion, as a step gained by the rights of the commonalty, that soon after the treaty

[1382] Auxilii latio adversus consules: Livy. Βοήθεια: Dionysius.

[83] Dionysius, VI. 89 The formulary in Livy, III. 55, by which the head of the criminal is devoted to Jupiter, belongs no doubt, as he represents it, to the period after the decemvirate.

between the estates the plebs enacted terrible punishments for securing the privilege of the tribunes to lay propositions before them. If any one impeded and interrupted a tribune, when addressing the plebeian assembly, he was to give bail to the college of tribunes for the payment of whatever mulct they should affix to his offense on arraigning him before the commonalty: if he did not, his life and property were to be forfeit[1354]. This law is represented by Dionysius as a mere decree of the plebs: but its nature is such that it could not have past without the assent of the other estate.

It was a controverted point even among the ancients, whether the tribunate was a magistracy? They who would not allow any office to be so, unless its authority extended over the whole nation, denied it; and with justice, so far as relates to the earlier ages: but with regard to the later they stickled about an empty shadow. In the seventh century of the city the tribunes were a national magistracy to the fullest extent. During the first two centuries of their existence they were no less decidedly a mere plebeian magistracy: but a magistracy they were incontestably: only their province was neither government nor administration. In their most essential character they were representatives of the commonalty; and, as such, protectors of the liberties of their order against the supreme power, not sharers in that power; as such too, not empowered to impose a mulct, but only to propose its imposition to the commonalty[55]. Nor were they judges between a consul and the person sentenced to corporal punishment by him; but only mediators, in order that the plebeian court might assemble without obstruction, and that meanwhile the appellant might remain at liberty harmless. They were the senses of their

[1354] Dionysius, VII. 17. I shall shew in the proper place that he carries this ordinance much too far back: but this is no reason for looking upon it as apocryphal.

[55] They were not able *multam dicere*, but only *irrogare*.

order; bringing what they perceived before it, for its consideration and decision: and until it decided they prevented any irrevocable act.

In this manner they interposed whenever the liberties of the plebeians were infringed. The determining on war and peace, so long as the earliest state of things continued, rested with the curies, after the preliminary deliberation of the senate. But when the commonalty was recognized as a free half of the nation, and furnisht the whole infantry of the army, to no laws should its consent have been more indispensable, than to those by which war was declared. This however was the very point the patricians were the most anxious to evade bringing before the centuries; and naturally so: for, as the plebeians were excluded from sharing in the profits of war, — from sharing in the conquered territory always, and not unfrequently in the booty, when it was sold and the produce went into the chest of the patricians, — they were little disposed to sacrifice their lives or their blood. Now in this case the assent of the tribunes, either express or silent, served as a substitute for that of their order, and was a way of maintaining its rights. On the other hand a refusal to serve derived strength from their prohibition; since none could seize a plebeian whom a tribune protected, without laying hands on his inviolable person. All this ceast when the rights of the commonalty were establisht. In like manner the veto was often needed to rescue a person from the levy, who had only been taken with a view of venting some private grudge against him, when he should be beyond the mile of the civic liberties, where the consul's authority became unlimited.

It often happened that the preventive power of the tribunes was insufficient to hinder such acts of tyranny, or even to preserve the solemn treaty from direct infringement. In such cases it was necessary that they should be able, either to take the law into their own hands, or to demand its execution. By the original spirit

of their office they could only do the latter. We should expect to find that this demand was to be made before a mixt jury, under a foreman. But the compact had been ratified by oath, under the form of a treaty between the two estates. Now, by a universal principle of Italian international law, a people that had been injured, either collectively, or in the person of one of its members, had the right of trying the foreiner whom it charged with such an offense: and if any treaty with his countrymen existed, they were bound to deliver him up for that purpose. They themselves were not competent to try him: for indulgence would have been more than pardonable, in a state of manners which under many relations, such as that among the members of the same gens, and that between a patron and his clients, made it an imperative duty not to condemn even the guilty; in a state of manners akin to that where compurgation was obligatory. The judges being sworn, it was expected that, if their enemy were proved innocent, they would acquit him. Whether this belief did not rest on an innocent dream, and lead to acts of injustice, is another question. But on these grounds the tribunes had the right of arraigning consuls and other patricians before the commonalty. The existence of this right implies that the patricians had the same against any plebeians, who were chargeable with a like offense against their order.

That the consuls, after the expiration of their magistracy, should have been amenable to the commonalty for misdemeanours against the whole republic, would be so at variance with all the relations unequivocally apparent in these ages, that, if the instances of charges preferred by tribunes on account of such misdemeanours during the third century could in other respects be regarded as historical, we should have to seek for a different explanation of them. According to the spirit of the constitution in those days the curies were the only judges in all that concerned the administration of the republic: and so the

tribunes must have had the right of coming before them as accusers, if the questors failed in their duty.

The tribes were first made a branch of the legislature by the Publilian law. Until then they could only pass resolutions, like every other corporation, which merely bound their own body. On this, as on other points, Sylla, when he took away the right of proposing laws from the tribunes, was unquestionably restoring the letter of the constitution out of an age which had past away, and which he everywhere aimed to revive.

That the number of tribunes at the first was only two, all the accounts in effect agree[1356]. As to their names they differ: those of C. Licinius and L. Albinius however seem to be pretty certain[57]. Though Sicinius had been chosen commander, he was not one of the first, but only added to them afterward. This seems distinctly to favour the conjecture that at the time of the secession the former were already invested with the office, which then was still insignificant; and that Sicinius was selected to lead the army as the fittest person in case the affair ended in war. With regard to the subsequent changes in the number we find divers accounts. According to Piso, there were but two down to the Publilian law, U. C. 283[58]: according to Cicero they continued to be two for the first year;

[1356] Even Dionysius, VI. 89, who first names two, and then proceeds, ἔτι δὲ πρὸς τούτοις. Livy is quite express on this point: so are Cicero, pro Corn. and de Re p. II. 34; Tuditanus, and Atticus, in Asconius on the Cornelians; Lydus, de Magist. I. 38. 44: Zonaras, VII. 15.

[57] These are named by Livy, and by Lydus, I. 44: the latter in these statements always follows Gaius, that is, mediately, Gracchanus. In Asconius indeed we find *Sicinius* instead of *Licinius*; and the surname proves that it is not an errour of the scribe: but *L. Junius* is a mistaken alteration made by Manutius: the Laurentian MS, LIV. 27, has *Lactinius*; which confirms *L. Albinius*. L. Albinius, *de plebe Romana homo*, leads the Vestals to Cære: Livy, V. 40. The fictitious L. Junius Brutus appears nowhere except in Dionysius.

[58] Livy, II. 58.

and the next the number of the college was raised to ten[1359]: according to Livy the two original ones presided at the election of three others, of whom Sicinius was one. What discrepancies are these! Cicero's statement, so far as it is at variance with the account that the number was not raised to ten till six and thirty years after the institution of the tribunate, may be regarded as certainly wrong. Besides it is surely in the highest degree improbable that the Publilian law should have introduced a number containing a direct reference to the centuries, from which it withdrew the election; and should have done away one bearing a proportion to the number of the tribes, to which it transferred the election. For the five tribunes were chosen one from each class[60], as two were from each after the number was doubled[61]; a relation which cannot possibly have continued, when the constitution of the centuries had undergone a thorough change.

Officers, who were the representatives of the several classes, must needs have been chosen by each severally. Nor can we suppose that they should have been so by a majority of the centuries taken collectively. This was an approach to that equality which must have prevailed in the assembly of the tribes: except that the plebeian knights were excluded[62], as well as the locupletes below the fifth class: for the proletarians, it is probable, were not originally admitted to vote even in their tribes. A far more important restriction lay in the dependence of the centuries upon the auguries, and in the right of the clients to vote in them. But one beyond all compare more momentous was, that at first the tribune elect was

[1359] Cicero, Fragm. Cornel.

[60] Quinque creatos esse, singulos ex singulis classibus: Asconius, on the Corneliana. See p. 454.

[61] Decem creati sunt, bini ex singulis classibus: Livy, III. 30.

[62] On this point again we see how artfully the patricians endeavoured to divide their opponents. Here however on the whole their efforts were vain.

to be approved of by the patricians in the curies[1363]. In a negociation conducted with address, this concession might be gained, under the specious colour of its being for the good of the plebs itself that its officers should not be personally offensive to the first estate. It might also be suggested that it was more dignified to have the same mode of election as that by which curule offices were filled; although the law concerning the *imperium* of a magistrate, which he himself proposed to the curies, was something very different from this acceptance: and as the curies had to accept, they might also reject[64]. That their share in the election was confined to this, is placed beyond a question by the passages just quoted from Dionysius[65]: although it has been misinterpreted into an election at their comitia, and that too by the ancients, by Dionysius himself, and even by Cicero[66]. The former however, as he was led in other places by the well-informed writers he followed to see the matter in its true light, felt perplext; because he had a

[1363] Dionysius, VI. 90: after the election by the plebeians, *τοὺς πατρικιοὺς πείσαντες ἐπικυρῶσαι τὴν ἀρχὴν ψῆφον ἐπενέγκαντας.* And after the Publilian law the consuls reproach the tribunes: *οὔτε αἱ φράτραι τὴν ψῆφον ὑπὲρ ὑμῶν ἐπιφέρουσιν.* X. 4. See above, note 849.

[64] It is a remarkable instance of what may be effected by public opinion and by the dread of it, to find that all the influence of the clientry, and of personal intrigues, was not able to prevent the election of the most eminent men, who faithfully discharged their duties to their order.

[65] If this historian, who is so precise in his expressions, had meant to say, *the curies do not elect you*,—and not, *they do not vote about you after your election*,—he would have said, *ὑμᾶς οὐ χειροτονοῦσιν.*

[66] Dionysius, VI. 89: *Νεμηθεὶς ὁ δῆμος εἰς τὰς τότε οὔσας φρατρίας ἢ ὅπως βούλεταί τις αὐτὰς προσαγορεύειν—ἄρχοντας* (that is, *δημαρχοὺς*) *ἀποδεικνύουσι.* X. 41: Publilius *μετάγων* (the elections) *ἐκ τῆς φρατριακῆς ψηφηφορίας, ἣν οἱ Ῥωμαῖοι κουριάτην καλοῦσιν, ἐπὶ τὴν φυλετικήν.* Cicero, Fragm. Corn.: Itaque auspicato postero anno x tribuni pl. comitiis curiatis creati sunt.

suspicion, even if he did not find it distinctly stated, that the plebs was not comprised in the curies: and he therefore distributes it amongst them [1367] for the purpose of this election. If we reflect how very easily the election and the confirmation might be confounded, we shall look on those passages as decisive, in which Dionysius takes a clear view of the subject, and which are in perfect harmony with the whole system of the ancient constitution. That the commonalty should have entrusted the choice of its representatives to the patricians is an absolute impossibility. The unanimity among the plebeians however may easily have been so great, that, as tribunes were at all events to be appointed, the right of refusing to confirm their election may have been of little avail to the patricians. Nor, if a solitary creature of theirs was thrust in by the votes of the clients, was this material, so long as questions within the college were decided by the agreement of the majority among themselves: and the contrary practice was not introduced till after the decemvirate, when the office was revived after its abolition. The authors of the ancient books, who ascribed this innovation to the most virulent of all the patricians, Appius Claudius [68], were mistaken about the date of this change in the constitution: but they were aware of its incalculable importance. The tribunes, from being representatives of the commonalty, and merely authorized to report to it, were by this measure converted into magistrates, each wielding a power of his own.

As a corporate body, the commonalty, beside its representatives, required certain peculiar and local magistrates. Such were the ediles, whose office is said to have been instituted after the treaty of the Sacred Mount, and, like

[1367] VI. 89: quoted in the preceding note. The expression *τὰς τότε οὔσας* is very remarkable.

[68] Livy, II. 44. IV. 48. In the former of these cases the matter is decided by the majority, four against one.

that of the tribunes, may probably have been older. The nature of their duties in early ages is very uncertain. They are represented as having been immediately subordinate to the tribunes, and as having been judges in such causes as they were appointed to decide by these their superiors[1369]. That they exercised a kind of police is unquestionable. The inspecting the markets however is said not to have been assigned to them till later[70]. At all events their power must have been confined to their own order. The temple of Ceres was under their peculiar guardianship; where no doubt they from the first kept the archives of the commonalty, as they did subsequently the decrees of the senate[71]: hence probably their office got its name. This temple stood in the plebeian suburb, though not on the Aventine, but by the Circus[72]: the valley of Murcia, like the neighbouring hill, had been allotted to the commonalty by Ancus *. The goddess of agriculture was the immediate patroness of the class of free husbandmen. Hence the property of all who insulted the plebeian magistrates, was confiscated for the treasury of this temple: and here the poor plebeians had bread distributed to them[73], of course under the superintendence of the ediles. This must have been the way of laying out the produce of such fines as were imposed, not by the whole nation, but by the plebs, in part on charges brought forward by the ediles: who must needs have

[1369] Δίκας ἃς ἂν ἐπιτρέψωνται ἐκεῖνοι (the tribunes) κρινοῦντας: Dionysius, VI. 90. Τὸ ἀρχαῖον ἐπὶ τούτῳ ἠροῦντο (as keepers of the archives) καὶ ἐπὶ τῷ δικάζειν: Zonaras, VII. 15.

[70] Zonaras proceeds: ὕστερον δὲ καὶ ἄλλ' ἄττα, καὶ τὴν τῶν ὠνίων ἀγορὰν ἐπετράπησαν. According to Pliny however (H. N. XVIII. 4) they had some share in the management of the corntrade even before the year 315.

[71] Livy, III. 55.

[72] Nardini, III. pp. 242, 243.

* See pp. 354, 355.

[73] Varro, in Nonius, v. pandere (I. 209).

had the management of the public chest of the commonalty.

The noblest and most salutary forms and institutions, whether in civil or moral societies, when bequeathed from generation to generation, after the lapse of centuries will prove defective. However exquisitely fit they may have been, when they were first framed, it would be necessary that the vital power in states and churches should act instinctively, and evince a faculty of perpetually adapting itself to the occasion, as the ship Argo did when it spoke, if such a fitness is to last. As it is, they either continue without any outward alteration; and then are only the more certain of becoming a mere lifeless shell: or they are gradually developt and transformed; during which process their original purpose is usually little thought of, and often totally misunderstood. Nay the condition of the persons for whose sake they were first enacted, will often undergo so great a change, that there ceases to be room for such a purpose. And then, should any one perceive that what is now oppressing and harassing us, would not have existed but for these forms and the events which fashioned them, he may unthinkingly turn his displeasure against them; may wish, not that they were suitably modified, but that they had never been; and may extoll what they did away, without knowing what it was, without asking what and where he himself would be, were it not for those very institutions, which now in their turn have outlived themselves.

In this spirit, Quintus Cicero in the Dialogues on the Laws inveys against the tribunate: which indeed was in his days a source of so much vexation and heartfelt sorrow to every honest citizen, that one can easily understand how they could overlook the good, which even in the desperate disorder of those times ought to have been sought, and might have been obtained from it. But the native of Arpinum should have remembered, that, but for

this office, his birthplace, which made him a Roman citizen, would have continued an insignificant town of the Volscians; that, but for the establishment of the liberties of the plebeians, his beloved brother would never have become, what by his consular power he had been for a year,—and that year worth a whole life,—and what he was throughout all ages by the power of his mind, the head of the Roman world; nay, that the man who turned the weapons of the tribunate against the Father of his country, was a Claudius, whom nothing but abuse had made a tribune.

Perhaps even Marcus Cicero himself was not fully aware how small and humble the power of the tribunate originally was. Nevertheless he soars above prejudices, and declares that Rome ought either to have retained the monarchal government, or that it was necessary to grant freedom in good earnest, and not merely in empty words, to the plebs [1374].

But for this institution, which was dictated by necessity, the two estates could not have subsisted side by side in a republic. A king, even in an elective monarchy, might have prevented any such necessity from arising: in a hereditary one it would never have been felt. Among the Greeks, the prince, the offspring of a heroic race, and the ward of Jove, did not belong exclusively to any part of the state. The inhabitants of the newly acquired territories, if they resigned themselves heart and soul to his sceptre, were loved and cherisht by him, no less than the houses of the most ancient of the ruling tribes. He was able to provide that every free man should enjoy all the rights he was entitled to by his actual condition and by his services: and many a disparity may be forgotten where there is a common bond of personal attachment. But this conservative form of government was unknown to

[1374] De Legibus, III. 10 (25). Aut exigendi reges non fuerunt; aut plebi re, non verbo, danda libertas.

the Romans, so far as our history goes back, as it was perhaps throughout the whole of ancient Italy. No sooner had it disappeared among the Greeks, than the houses began to oppress the commonalty, the towns to oppress the countrypeople; and with few exceptions it was to their own ruin. For some powerful members of the houses offered themselves to the disaffected as their champions, and combining with the commonalty, or the population of the surrounding country, and with a party of the ruling burghers, made themselves masters of the supreme power. This was the origin of the tyrants, who were to be found in all parts of Greece during a period of 150 years down to about the 70th Olympiad. Some few among them were deserving of their odious name: their authority in every instance was founded on usurpation: in themselves they were often benevolent, just, and wise: their influence was mostly salutary. For the institutions, which had newly grown up, had time to gain strength and steadiness under their dictatorship; since they stood as a personal guardian power by the side of the state: and, when they laid down their authority, it was like a youth who had reacht the age of discretion under wise tutelage. Now because the old governments refused to accede to any reasonable terms, revolutions ensued: and from this consequence the Roman patricians escaped, not through their wisdom, not through their firmness, but through the establishment of the tribunate. It is a profound remark of Cicero's[1375], that it was a check to the fierce bursts of the people's fury, the task of resisting oppression being undertaken by their chosen representatives, who in conducting the opposition moderated, and often quieted it. To judge from the lessons of Greek history, it was no less fortunate for the patricians, that the members of their order were from the first excluded from this office; although this arrangement was probably made by the plebeians for their own security.

[1375] De Legibus, III. 10 (24, 25).

By the leaders of this estate, who lookt forward to the time when their posterity should partake in the curule honours, this office was doubtless designed to be merely a transient institution; which was to be dropt when that end should be reacht. Their wishes were fulfilled. The plebs kept on increasing in power and in dignity. The patricians, from being a branch of the nation, dwindled into an insignificant number of families. The nobless of the two orders was united, and enlarged by fresh ennoblements. The plebs, as an estate, had no longer any oppression to dread. Yet the tribunate did not pass away. But it now put on a totally different character. It became a mode of representing the whole nation, even the patricians; although they neither elected nor were eligible to it. From this time forward the tribunes are entitled to the name of tribunes of the people, as we are in the habit of calling them from the beginning; so much so indeed, that it will hardly be possible to abstain altogether from using this name in the earlier ages, when as yet it was not appropriate [1376]. The people in a strict sense is the whole nation, and its soverain assembly, as contradistinguisht from the senate, such as it existed at Rome after the Hortensian law. But this word of many meanings acts with an intoxicating effect upon the mind; and a conscientious historian will therefore be glad to find substitutes for it. Fortunately the institutions of the middle ages have supplied one for the times of convulsion and dissension, which is perfectly accurate and sober.

In the later history of the Roman republic, we find the tribunician power carried to such a pitch by the changes in the state of things, and by its own usurpations, that it overtops the consuls and the senate, nay

[1376] The old German writers call the tribunes *Zunftmeister* (masters of guilds or aldermen), which has an odd sound enough: but in selecting this name they were guided by a just feeling that the plebs stood in the same relation to the houses as the guilds did.

the people itself. Yet no one had learnt from the experience of the past, that those branches of the state, which were then in need of the same shelter as the plebeians had once needed, had a right to receive it. In the course of centuries things went so far, that the tribunes no longer stood over-against the supreme authority, as representatives of the nation, but were tyrants elected for the term of their office; a kind of national convention; under a notion, like that which prevailed during the revolutionary frenzy, that the full powers nominally conferred by an election, where the greater part of the constituents vote without at all knowing what they are doing, bestow an unlimited authority. This however was only the last stage of the tribunate. The century and a half, on the history of which we are now about to enter, is the period of its blameless struggles in behalf of its own estate and of the whole nation; struggles by which the greatness and glory of Rome were achieved and secured for a still longer duration.

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